

COMMISSION
JOURNAL

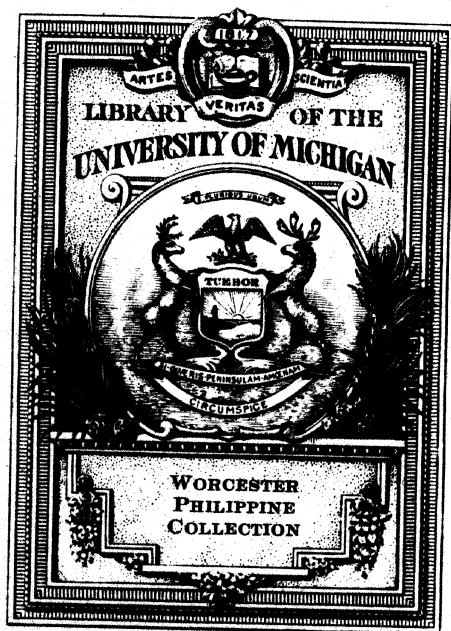
FIRST
PHILIPPINE
LEGISLATURE
INAUGURAL SESSION

OCTOBER 16, 1907
TO
FEBRUARY 1, 1908

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JOURNAL
OF THE
PHILIPPINE COMMISSION

BEING THE
INAUGURAL SESSION OF
THE FIRST PHILIPPINE LEGISLATURE

BEGUN AND HELD AT THE
CITY OF MANILA OCTOBER 16, 1907



MANILA
BUREAU OF PRINTING
1908

Philippe Simon, Comte de Valence

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First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

WEDNESDAY, OCTOBER 16, 1907.

Pursuant to the proclamation of the Governor-General dated September 14, 1907, as amended by the proclamation of the Governor-General dated October 11, 1907, made in accordance with the provisions of the Act of Congress approved July 1, 1902, the members of the Philippine Commission and the members-elect of the Philippine Assembly met in the Grand Opera House, Calle Cervantes, city of Manila, at 9 o'clock and 25 minutes of the forenoon.

The Delegates-elect of the Philippine Assembly entered the hall in a body at 9 o'clock antemeridian, and shortly after the hour of 9, Honorable William H. Taft, Secretary of War of the United States; Honorable James F. Smith, Governor-General of the Philippine Islands, and Honorable Dean C. Worcester, Honorable T. H. Pardo de Tavera, Honorable Benito Legarda, Honorable José R. de Luzuriaga, Honorable W. Cameron Forbes, and Honorable W. Morgan Shuster, members of the Philippine Commission, accompanied by Major-General Leonard Wood, commanding the Philippines Division of the United States Army; Rear-Admiral Hemphill, commanding officer of the United States Asiatic Fleet at this station; Brigadier-General Clarence R. Edwards, Chief of the Bureau of Insular Affairs, and Honorable Arthur W. Fergusson, Executive Secretary of the Philippine Islands, arrived and took the seats provided for them on the stage.

There were present also the members of the Supreme Court; Monsignor A. Ambrose Agius, apostolic delegate, and Right Reverend Jorge Barlin; the official representatives of foreign governments in the Philippine Islands, and the various provincial governors.

REMARKS OF THE GOVERNOR-GENERAL.

The Governor-General arose and spoke as follows:

Mr. Secretary of War, members of the Philippine Commission, members-elect of the Philippine Assembly, ladies, and gentlemen: In section 6 of the Act of Congress approved July 1, 1902, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," it was provided—

That whenever the existing insurrection in the Philippine Islands shall have ceased and a condition of general and complete peace shall have been established therein and the fact shall be certified to the President by the Philippine Commission, the President, upon being satisfied thereof, shall order a census of the Philippine Islands to be taken by said Philippine Commission; such census in its inquiries relating to the population shall take and make so far as practicable full report for all the inhabitants, of name, age, sex, race, or tribe, whether native or foreign born, literacy in Spanish, native dialect, or language, or in English, school attendance, ownership of homes, industrial and social statistics, and such other information separately for each island, each province, and municipality, or other civil division, as the President and said Commission may deem necessary: *Provided*, That the President may, upon the request of said Commission, in his discretion, employ the service of the Census Bureau in compiling and promulgating the statistical information above provided for, and may commit to such Bureau any part or portion of such labor as to him may seem wise.

In section 7 of the said Act it was provided—

That two years after the completion and publication of the census, in case such condition of general and complete peace with recognition of the authority of the United States shall have continued in the territory of said Islands not inhabited by Moros or other non-Christian tribes and such facts shall have been certified to the President by the Philippine Commission, the President upon being satisfied thereof shall direct said Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands, which shall be known as the Philippine Assembly. After said Assembly shall have convened and organized, all the legislative power heretofore conferred on the Philippine Commission in all that part of said Islands not inhabited by Moros or other non-Christian tribes shall be vested in a Legislature consisting of two Houses—the Philippine Commission and the Philippine Assembly. Said Assembly shall consist of not less than fifty nor more than one hundred members to be apportioned by said Commission among the provinces as nearly as practicable according to population: *Provided*, That no province shall have less than one member:

And provided further, That provinces entitled by population to more than one member may be divided into such convenient districts as the said Commission may deem best.

Public notice of such division shall be given at least ninety days prior to such election, and the election shall be held under rules and regulations to be prescribed by law. The qualification of electors in such election shall be the same as is now provided by law in case of electors in municipal elections. The members of Assembly shall hold office for two years from the first day of January next following their election, and their successors shall be chosen by the people every second year thereafter. No person shall be eligible to such election who is not a qualified elector of the election district in which he may be chosen, owing allegiance to the United States, and twenty-five years of age.

The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): *Provided*, That the first meeting of the Legislature shall be held upon the call of the Governor within ninety days after the first election: *And provided further*, That if at the termination of any session the appropriations necessary for the support of Government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the Legislature shall act in such behalf the Treasurer may, with the advice of the Governor, make the payments necessary for the purposes aforesaid.

On September 8, 1902, on motion of Commissioner Wright, the following resolution was adopted by the Philippine Commission:

Resolved, That the Philippine Commission hereby certifies to the President of the United States that the recently existing insurrection in the Philippine Islands has ceased and a condition of general and complete peace has been established herein; that this certificate is made in accordance with the provisions of section six of "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and that the Commission recommends to the President of the United States that he order a census of the Philippine Islands to be taken by the Philippine Commission in accordance with the provisions of said section.

Be it further resolved, That the foregoing certificate does not and is not intended to certify that the conditions surrounding the Lake Lanao Moro district in Mindanao, which district forms but a small part of the territory occupied by the Moros, are those of absolute and complete peace, but that in the opinion of the Commission the language of section six and the certificate therein provided for were not intended by Congress to require before such census should be taken that complete peace should exist in the country of the wild Moros, who never have taken any part in the insurrection referred to in section six.

On September 25, 1902, the following order was issued by the President of the United States:

WHITE HOUSE, September 25, 1902.

Whereas, by the sixth section of the Act of Congress approved July 1, 1902, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," it was provided "that whenever the existing insurrection in the Philippine Islands shall have ceased and a condition of general and complete peace shall have been established therein and the fact shall be certified to the President by the Philippine Commission, the President, upon being satisfied thereof, shall order a census of the Philippine Islands to be taken by said Philippine Commission; such census in its inquiries relating to the population shall take and make so far as practicable full report for all the inhabitants, of name, age, sex, race, or tribe, whether native or foreign born, literacy in Spanish, native dialect or language, or in English, school attendance, ownership of homes, industrial and social statistics, and such other information separately for each island, each province, and municipality, or other civil division, as the President and said Commission may deem necessary: *Provided*, That the President may, upon the request of the Commission, in his discretion, employ the service of the Census Bureau in compiling and promulgating the statistical information above provided for, and may commit to such Bureau any part or portion of such labor as to him may seem wise;" and

Whereas the said Commission has adopted and certified to me the following resolutions:

"*Resolved*, That the Philippine Commission hereby certifies to the President of the United States that the recently existing insurrection in the Philippine Islands has ceased and a condition of general and complete peace has been established herein. That this certificate is made in accordance with the provisions of section six of an act temporarily to provide for the affairs of civil government in the Philippine Islands, and for other purposes, and that the Commission recommends to the President of the United States that he order a census of the Philippine Islands to be taken by the Philippine Commission in accordance with the provisions of said section.

"*Be it further resolved*, That the foregoing certificate does not and is not intended to certify that the conditions surrounding the Lake Lanao district in Mindanao, which district forms but a small part of the territory occupied by the Moros, are those of absolute and complete peace, but that in the opinion of the Commission the language of section six and the certificate therein provided for were not intended by Congress to require before such census should be taken that complete peace should exist in the country of the wild Moros, who never have taken any part in the insurrection referred to in section six."

Now, therefore, I, Theodore Roosevelt, President of the United States, in pursuance of the provisions of the law above quoted and upon the forego-

ing due certification, and being satisfied of the facts therein stated, do order a census of the Philippine Islands be taken by said Philippine Commission in accordance with the provisions of the said Act of Congress.

THEODORE ROOSEVELT.

WAR DEPARTMENT, BUREAU OF INSULAR AFFAIRS,

Washington, D. C., September 27, 1902.

Official copy respectfully referred to the Civil Governor of the Philippine Islands, Manila, P. I., for his information.

By order of the Acting Secretary of War:

CLARENCE R. EDWARDS,

Colonel, United States Army, Chief of Bureau.

Then followed the proclamation of the Governor-General of the Philippine Islands, Honorable Luke E. Wright, made on the 28th day of March, 1905, proclaiming the order of the President, as follows:

BY THE GOVERNOR-GENERAL OF THE PHILIPPINE ISLANDS—
A PROCLAMATION.

Whereas the Secretary of War has informed this Government that on the twenty-seventh day of March, nineteen hundred and five, the Philippine Census Bureau, with the aid of the United States Census Bureau, completed and published the fourth and last volume of the report of the Philippine census taken in accordance with the provisions of section six of the Act of Congress approved July first, nineteen hundred and two:

Now, therefore, I, Luke E. Wright, Governor-General of the Philippine Islands, do hereby proclaim the publication of the Philippine census as above set forth, and do call the attention of the people of these Islands to that part of section seven of the said Act of Congress approved July first, nineteen hundred and two, which provides that two years after the completion and publication of the census, in case a condition of general and complete peace with recognition of the authority of the United States shall have continued in the territory of these Islands not inhabited by Moros or other non-Christian tribes, and such facts shall have been certified to the President by the Philippine Commission, the President upon being satisfied thereof shall direct the Philippine Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands, which shall be known as the Philippine Assembly; and which provides also that after the said Assembly shall have convened and organized all the legislative power heretofore conferred on the Philippine Commission in all that part of these Islands not inhabited by Moros or other non-Christian tribes shall be vested in a Legislature consisting of two Houses—the Philippine Commission and the Philippine Assembly.

In witness whereof I have hereunto set my hand and caused the seal of the Government of the Philippine Islands to be affixed.

Done at the city of Manila this twenty-eighth day of March, nineteen hundred and five.

LUKE E. WRIGHT.

By the Governor-General:

A. W. FERGUSSON, *Executive Secretary*.

No further steps were taken in this matter until March 28, 1907, when the following resolution was adopted by the Philippine Commission, and telegraphed to the President of the United States:

Whereas the census of the Philippine Islands was completed and published on the twenty-seventh day of March, nineteen hundred and five, which said completion and publication of said census was, on the twenty-eighth day of March, nineteen hundred and five, duly published and proclaimed to the people by the Governor-General of the Philippine Islands with the announcement that the President of the United States would direct the Philippine Commission to call a general election for the choice of delegates to a popular assembly, provided that a condition of general and complete peace with recognition of the authority of the United States should be certified by the Philippine Commission to have continued in the territory of the Philippine Islands for a period of two years after said completion and publication of said census; and

Whereas since the completion and publication of said census there have been no serious disturbances of the public order save and except those caused by the noted outlaws and bandit chieftains Felizardo and Montalan, and their followers in the Provinces of Cavite and Batangas, and those caused in the Provinces of Samar and Leyte by the non-Christian and fanatical pulajanes resident in the mountain districts of the said provinces and the barrios contiguous thereto; and

Whereas the overwhelming majority of the people of said Provinces of Cavite, Batangas, Samar, and Leyte have not taken part in said disturbances and have not aided nor abetted the lawless acts of said bandits and pulajanes; and

Whereas the great mass and body of the Filipino people have, during said period of two years, continued to be law-abiding, peaceful, and loyal to the United States, and have continued to recognize and do now recognize the authority and sovereignty of the United States in the territory of said Philippine Islands: Now, therefore, be it

Resolved by the Philippine Commission in formal session duly assembled, That it, said Philippine Commission, do certify, and it does hereby certify, to the President of the United States that for a period of two years after the completion and publication of the census a condition of general and complete peace, with recognition of the authority of the United States, has continued to exist and now exists in the territory of said Philippine Islands not inhabited by Moros or other non-Christian tribes; and be it further

Resolved by said Philippine Commission, That the President of the

United States be requested, and is hereby requested, to direct said Philippine Commission to call a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands, which assembly shall be known as the Philippine Assembly.

The following day an official telegram was received from Washington containing an executive order of the President directing the Philippine Commission to call a general election for the choice of delegates to a popular assembly, and on March 30, 1907, the Commission adopted a resolution as follows:

Whereas on March twenty-eighth, nineteen hundred and seven, the Philippine Commission by resolution certified to the President of the United States that on said date, and for a period of two years subsequent to the completion and publication of the census, a condition of general and complete peace, with recognition of the authority of the United States, had continued to exist in the territory of said Philippine Islands not inhabited by Moros or other non-Christian tribes, and in and by said resolution requested the President to direct said Philippine Commission to call a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands; and

Whereas the President of the United States thereupon made and issued an executive order as follows, to wit:

"Whereas by the sixth section of the Act of Congress approved July first, nineteen hundred and two, entitled 'An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' it was provided 'that whenever the existing insurrection in the Philippine Islands shall have ceased and a condition of general and complete peace shall have been established therein and the fact shall be certified to the President by the Philippine Commission, the President, upon being satisfied thereof, shall order a census of the Philippine Islands to be taken by said Philippine Commission;' and

"Whereas by the seventh section of said Act it was provided 'that two years after the completion and publication of the census, in case such condition of general and complete peace with recognition of the authority of the United States shall have continued in the territory of said Islands not inhabited by Moros or other non-Christian tribes and such facts shall have been certified to the President by the Philippine Commission, the President, upon being satisfied thereof, shall direct said Commission to call, and the Commission shall call, a general election for the choice of Delegates to a popular assembly of the people of said territory in the Philippine Islands, which shall be known as the Philippine Assembly. After said Assembly shall have convened and organized, all the legislative power heretofore conferred on the Philippine Commission in all that part of said Islands not inhabited by Moros or other non-Christian tribes shall be vested in a Legislature consisting of two Houses—the Philippine Commission and the Philippine Assembly. Said Assembly shall consist of not less than fifty nor more than one hundred members, to be apportioned by said Commission

among the provinces as nearly as practicable according to population: *Provided*, That no province shall have less than one member: *And provided further*, That provinces entitled by population to more than one member may be divided into such convenient districts as the said Commission may deem best;’ and

“Whereas on September eighth, nineteen hundred and two, the Philippine Commission certified to me that the insurrection in the Philippine Islands had ceased and that a condition of general and complete peace had been established therein; and

“Whereas, in pursuance of the provisions of the law above quoted, and upon the foregoing due certification and being satisfied of the facts therein stated, on the twenty-fifth day of September, nineteen hundred and two, I ordered a census of the Philippine Islands to be taken by the Philippine Commission; and

“Whereas the census so ordered was taken and announcement of its completion and publication made to the people of the Philippine Islands on March twenty-eighth, nineteen hundred and five; and

“Whereas the Philippine Commission has now certified to me the following resolution:

“Whereas the census of the Philippine Islands was completed and published on the twenty-seventh day of March, nineteen hundred and five, which said completion and publication of said census was, on the twenty-eighth day of March, nineteen hundred and five, duly published and proclaimed to the people by the Governor-General of the Philippine Islands, with the announcement that the President of the United States would direct the Philippine Commission to call a general election for the choice of delegates to a popular assembly, provided that a condition of general and complete peace with recognition of the authority of the United States should be certified by the Philippine Commission to have continued in the territory of the Philippine Islands for a period of two years after said completion and publication of said census; and

“Whereas since the completion and publication of said census there have been no serious disturbances of the public order save and except those caused by the noted outlaws and bandit chieftains Felizardo and Montalan, and their followers in the Provinces of Cavite and Batangas, and those caused in the Provinces of Samar and Leyte by the non-Christian and fanatical pulajanes resident in the mountain districts of the said provinces and the barrios contiguous thereto; and

“Whereas the overwhelming majority of the people of said Provinces of Cavite, Batangas, Samar, and Leyte have not taken part in said disturbances and have not aided nor abetted the lawless acts of said bandits and pulajanes; and

“Whereas the great mass and body of the Filipino people have, during said period of two years, continued to be law-abiding, peaceful, and loyal to the United States, and have continued to recognize and do now recognize the authority and sovereignty of the United States in the territory of said Philippine Islands: Now, therefore, be it

“Resolved by the Philippine Commission in formal session duly as-

sembled, That it, said Philippine Commission, do certify, and it does hereby certify, to the President of the United States that for a period of two years after the completion and publication of the census a condition of general and complete peace, with recognition of the authority of the United States, has continued to exist and now exists in the territory of said Philippine Islands not inhabited by Moros or other non-Christian tribes; and be it further

“*Resolved by said Philippine Commission, That the President of the United States be requested, and is hereby requested, to direct said Philippine Commission to call a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands, which assembly shall be known as the Philippine Assembly:*”

“Now, therefore, I, Theodore Roosevelt, President of the United States, in pursuance of the provisions of the law above cited, and being satisfied of the facts certified to me by the Philippine Commission, do hereby direct said Philippine Commission to call a general election for the choice of delegates to a popular assembly of the people of the territory of the Philippine Islands not inhabited by Moros or other non-Christian tribes, which shall be known as the Philippine Assembly.

“THEODORE ROOSEVELT.

“THE WHITE HOUSE, March 28, 1907.”

Now, therefore, be it

Resolved, That in accordance with the direction of the President of the United States, and under and by virtue of the provisions of the Act of Congress approved July first, nineteen hundred and two, the Philippine Commission, in formal session assembled on this, the thirtieth day of March, nineteen hundred and seven, does hereby call a general election to be held on July thirtieth, nineteen hundred and seven, for the choice of delegates to a popular assembly of the people of the territory of the Philippine Islands not inhabited by Moros or other non-Christian tribes, which shall be known as the Philippine Assembly, said election to be held in accordance with the provisions of Act Numbered Fifteen hundred and eighty-two of the Philippine Commission, entitled “The Election Law,” passed January ninth, nineteen hundred and seven; and be it further

Resolved, That the Governor-General be, and he is hereby, requested to issue a proclamation announcing the calling of said election, which proclamation shall embody this resolution, and that the Executive Secretary be, and is hereby, directed to have the said proclamation printed as soon as practicable, in English and in Spanish, and when printed to cause a copy thereof to be forwarded without delay to each provincial and municipal government concerned.

On April 1, 1907 the Governor-General made and issued a proclamation embodying the resolution of the Commission of March 30, 1907.

In accordance with the call of the Commission the election was duly held on July 30 last and on the face of the returns the

Delegates who are here present appear to be the Delegates duly and properly elected from the various provinces.

Subsequently and within the ninety days prescribed by the Act of Congress, the Governor-General directed that the Philippine Legislature meet at the Ayuntamiento Building in the city of Manila on Wednesday the 16th day of October, 1907, at the hour of 9 o'clock antemeridian. In view of the little space available for the public in the Marble Hall of the Ayuntamiento Building, this proclamation of the Governor-General was, on October 11, 1907, amended so as to require the meeting to be held at the Grand Opera House, where we are now gathered.

No other step now remains except that of the formal opening of the Philippine Assembly and the Philippine Legislature for the transaction of such business as may come before both bodies as the legislative power in the Philippine Islands.

Who shall formally announce this opening to the people of the Philippine Islands? Who better than the man who represents the President of the United States and to whom is due, more than to any other man, the organization of the Philippine Assembly, because this popular representative legislative body has been made possible by his policy and his achievement? Who better can announce the fact of this organization to all the peoples of the Philippine Islands than the honorable the Secretary of War, William H. Taft?

ADDRESS OF THE HONORABLE THE SECRETARY OF WAR.

The honorable the Secretary of War then arose and after making a few introductory remarks in elaboration of the remarks of the Governor-General to the effect that the Philippine Assembly was organized for two purposes, one, to make the Government of the Philippine Islands better, and the other, as an educational instrument to prepare the people of the Islands and their representatives for exercising the powers of government, and warning the members-elect of the Assembly that one of the experiences of a legislative body that it must take to heart and learn is the ability to listen to long speeches, he delivered the following address which was interpreted by Honorable Arthur W. Fergusson, Executive Secretary of the Philippine Islands, with the exception of that portion thereof relating to the progress made in the Islands, which, on the advice of the Secretary of War, was not interpreted into

Spanish owing to the lateness of the hour and to the fact that the address in its entirety would appear in the public press and in the Journals of both Houses:

Gentlemen of the Assembly: President Roosevelt has sent me to convey to you and the Filipino people his congratulations upon another step in the enlargement of popular self-government in these Islands. I have the greatest personal pleasure in being the bearer of this message. [Applause.] It is intended for each and every member of the Assembly, no matter what his views upon the issues which were presented in the late electoral campaign. It assumes that he is loyal to the government in which he now proposes, under oath of allegiance, to take part. It does not assume that he may not have a wish to bring about, either soon or in the far future, by peaceable means, a transfer of sovereignty; but it does assume that while the present government endures he will loyally do all he lawfully can to uphold its authority and to make it useful to the Filipino people. [Applause.]

I am aware that, in view of the issues discussed at the election of this Assembly, I am expected to say something regarding the policy of the United States toward these Islands. Before attempting any such task, it is well to make clear the fact that I can not speak with the authority of one who may control that policy.

The Philippine Islands are territory belonging to the United States, and, by the Constitution, the branch of that Government vested with the power and charged with the duty of making rules and regulations for their government is Congress. The policy to be pursued with respect to them is, therefore, ultimately for Congress to determine. Of course, in the Act establishing a government for the Philippine Islands passed by Congress July 1, 1902, wide discretion has been vested in the President to shape affairs in the Islands, within the limitations of the Act, through the appointment of the Governor and the Commission, and the power of the Secretary of War to supervise their work and to veto proposed legislation; but not only is the transfer of sovereignty to an independent government of the Filipino people wholly within the jurisdiction of Congress, but so also is the extension of any popular political control in the present government beyond that conferred in the organic act. It is embarrassing, therefore, for me, though I am charged with direct supervision of the Islands under the President, to deal in any way with issues relating to their ultimate

disposition. It is true that the peculiar development of the government of the Islands under American sovereignty has given to the attitude of the President upon such issues rather more significance than in most matters of exclusively Congressional cognizance. After the exchange of ratifications of the treaty of Paris in April of 1899, and until the organic act of July 1, 1902, Congress acquiesced in the government of the Islands by the President as Commander in Chief of the Army and Navy without interference, and when it passed the organic act, it not only confirmed in every respect the anomalous quasi-civil government which he had created, but it also made his instructions to the Secretary of War part of its statute, and followed therein his recommendation as to future extension of popular political control. This close adherence of Congress to the views of the Executive in respect to the Islands in the past gives ground for ascribing to Congress approval of the Philippine policy, as often declared by President McKinley and President Roosevelt. Still I have no authority to speak for Congress in respect to the ultimate disposition of the Islands. I can only express an opinion as one familiar with the circumstances likely to affect Congress, in the light of its previous statutory action.

The avowed policy of the National Administration under these two Presidents has been and is to govern the Islands, having regard to the interest and welfare of the Filipino people, and by the spread of general primary and industrial education and by practice in partial political control to fit the people themselves to maintain a stable and well-ordered government affording equality of right and opportunity to all citizens. The policy looks to the improvement of the people both industrially and in self-governing capacity.

As this policy of extending control continues, it must logically reduce and finally end the sovereignty of the United States in the Islands, unless it shall seem wise to the American and the Filipino peoples, on account of mutually beneficial trade relations and possible advantage to the Islands in their foreign relations, that the bond shall not be completely severed.

How long this process of political preparation of the Filipino people is likely to be, is a question which no one can certainly answer. When I was in the Islands the last time, I ventured the opinion that it would take considerably longer than a generation.

I have not changed my view upon this point [applause]; but the issue is one upon which opinions differ. However this may be, I believe that the policy of the Administration, as outlined above, is as definite as the policy of any government in a matter of this kind can safely be made. We are engaged in working out a great experiment. No other nation has attempted it, and for us to fix a certain number of years in which the experiment must become a success and be completely realized would be, in my judgment, unwise. As I premised, however, this is a question for settlement by the Congress of the United States.

Our Philippine policy has been subjected to the severest condemnation by critics who occupy points of view as widely apart as the two poles. There are those who say that we have gone too fast, that we have counted on the capacity of the Filipino for political development with a foolish confidence leading to what they regard as the disastrous result of this election. There are others who assert that we have denied the Filipino that which is every man's birthright—to govern himself—and have been guilty of tyranny and a violation of American principles in not turning the government over to the people of the Islands at once.

With your permission, I propose to consider our policy in the light of the events of the six years during which it has been pursued, to array the difficulties of the situation which we have had to meet and to mention in some detail what has been accomplished.

The Civil Government was inaugurated in 1901 before the close of a war between the forces of the United States and the controlling elements of the Philippine people. It had sufficient popular support to overawe many of those whose disposition was friendly to the Americans. In various provinces the war was continued intermittently for a year after the appointment of a civil governor in July, 1901. This was not an auspicious beginning for the organization of a people into a peaceful community acknowledging allegiance to an alien power.

Secondly, there was in the United States a strong minority party that lost no opportunity to denounce the policy of the Government and to express sympathy with those arrayed in arms against it, and declared in party platform and in other ways its intention, should it come into power, to turn the Islands over to an independent government of their people. This not only prolonged the war, but when peace finally came, it encouraged a sullenness on

the part of many Filipinos and a lack of interest in the progress and development of the existing government that were discouraging. It offered the hope of immediate independence at the coming of every national election by the defeat of the Administration at the polls. This was not of assistance in carrying out a policy that depended for its working on the political education of the people by their cordial participation, first, in the new municipal and provincial governments, and finally in the election of a national assembly. The result has been that during the educational process there has been a continuing controversy as to the political capacity of the Filipino people. It has naturally been easy to induce a majority of the electorate to believe that they are now capable of maintaining a stable government. All this has tended to divert the people's attention from the existing government, although their useful participation in that must measure their progress toward fitness for complete autonomy.

The impatience of the popular majority for further power may be somewhat mitigated as the extent of the political control which is placed in the hands of the people increases, and as they become more familiar with the responsibilities and the difficulties of actual power. The difference between the attitude of an irresponsible critic, who has behind him the easily aroused prejudices of a people against an alien government, and that of one who attempts to formulate legislation which shall accomplish a definite purpose for the good of his own people, is a healthful lesson for the ambitious statesman to learn.

Other formidable political obstacles had to be overcome. There still remained present in the situation in 1901 the smouldering ashes of the issues which had led the people to rebel against the power of Spain—I mean the prospective continuance of the influence of the regular religious orders in the parochial administration of the Roman Catholic Church in the Islands and their ownership of most valuable and extensive agricultural lands in the most populous provinces. The change of sovereignty to a government which could exercise no control over the church in its selection of its agents, made the new régime powerless, by act or decree, to prevent the return of the friars to the parishes, and yet the people were disposed to hold the Government responsible whenever this was proposed. It would have been fraught with great danger of political disturbance. It was also essential that the religious orders

should cease to be agricultural landlords in order to eliminate the agrarian question arising between them and 60,000 tenants which had played so large a part in the previous insurrections against Spain. These results were to be attained without offending or infringing upon the rights of the Roman Catholic Church, the influence of which for good in the Islands could not be denied. Other political difficulties attending the transfer of a sovereignty from a government in which the interests of the state and the church were inextricably united to one in which they must be absolutely separated, I need not stop to elaborate. The religious and property controversies arising out of the Aglipayan schism, and the disturbances caused, added much to the burden of the Government.

The novelty of the task for the United States and her people, the lack of the existence of a trained body of colonial administrators and civil servants, the dependence for a time upon men as Government agents who had come out in a spirit of adventure to the Islands and some of whom proved not to be fitted either by character or experience for the discharge of responsible public duties, gave additional cause for discouragement.

Another great difficulty in working out our policy in these Islands has been the reluctance of capitalists to invest money here. Political privileges, if unaccompanied by opportunities to better their condition, are not likely to produce permanent contentment among a people. Hence the political importance of developing the resources of these Islands for the benefit of its inhabitants. This can only be done by attracting capital. Capital must have the prospect of security in the investment and a certain return of profit before it will become available. The constant agitation for independence in the Islands, apparently supported by the minority party in the United States, and the well-founded fear that an independent Philippine government now established would not be permanent and stable, have made capitalists chary of attempting to develop the natural resources of the Islands. The capital which has come has only come reluctantly and on terms less favorable to the public than would have been exacted under other conditions.

Another difficulty of the same character as the last in preventing material progress has been the failure of Congress to open the markets of the United States to the free admission of Philippine sugar and tobacco. In every other way Congress has shown its

entire and generous sympathy with the policy of the Administration; and in this matter, the popular branch of that body passed the requisite bill for the purpose by a large majority. Certain tobacco and sugar interests of the United States, however, succeeded in strangling the measure in the Senate committee. I have good reason for hope that in the next Congress we may be able to secure a compromise measure which shall restore the sugar and tobacco agriculture of the Islands to its former prosperity, and at the same time by limitations upon the amounts of importation allay the fears of injury on the part of the opponents of the measure. Still the delay in this much-needed relief has greatly retarded the coming of prosperous times and has much discouraged supporters of our policy in America who have thought this indicated a lack of national purpose to make the present altruistic policy a success.

But the one thing that interfered with material progress in the Islands, more than all other causes put together, was the rinderpest which carried away from 75 to 80 per cent of the cattle that were absolutely indispensable in cultivating, reaping, and disposing of the agricultural products upon which the Islands are wholly dependent. The extent of this terrible disaster can not be exaggerated and the Islands have not yet recovered from it. Attempts to remedy the evil by the importation of cattle from other countries have proved futile, and the Islands can not be made whole in this respect except by the natural reproduction of the small fraction of the animals that escaped destruction. This is not a matter of a year, or of two years or of three years, but a matter of a decade. Then, too, there were in these years surra, locusts, drought, destructive typhoons, cholera, bubonic plague and smallpox, ladronism, and pulajanism. The long period of disturbance, of guerrilla warfare and unrest, which interfered for years with the carrying on of the peaceful arts of agriculture and made it so easy for those who had been used to work in the fields to assume the wild and loose life of predatory bands claiming to be liberating armies, all made a burden for the community that it was almost impossible for it to bear.

When I consider all these difficulties, which I have rehearsed at perhaps too great length, and then take account of the present conditions in the Islands, it seems to me that they present an occasion for profound satisfaction and that they fully vindicate the policy which has been pursued. [Applause.]

How have we met the difficulties? In the first place, we have carried out with entire fidelity the promises of Presidents McKinley and Roosevelt in respect to the gradual extension of political control in the government as the people should show themselves fit. In 1901 the Commission adopted the Municipal Code, which vested complete autonomy in the eligible adult male citizens of every municipality in the Islands, except that of Manila, which for special reasons, like those which have prevailed with respect to the government of the city of Washington, was preserved for control by the Central Government. The electorate was limited to those who could speak English or Spanish, or who paid a tax of ₱15 a year, or who had filled municipal office under the Spanish régime, and did not exceed 20 per cent of the total adult males of the population. Very shortly after this, a form of provincial government was established, in which the legislative and executive control of the province was largely vested in a provincial board consisting of a governor and treasurer and supervisor. Provision was made for the election of a governor and the appointment under civil-service rules of a treasurer and supervisor. Subsequently it was found that the government was too expensive and the office of supervisor was finally abolished, and after some four years, the board was made to consist of a governor and a treasurer, and a third member elected as the governor was, thus effecting popular autonomy in the provincial governments. And now comes the Assembly.

It is said by one set of critics, to whom I have already referred, that the franchise is the last privilege that ought to be granted in the development of a people into a self-governing community, and that we have put this into the hands of the Filipinos before they have shown themselves to be industrially and in other ways capable of exercising the self-restraint and conservatism of action which are essential to political stability. I can not agree with this view. The best political education is practice in the exercise of political power [applause], unless the subject is so ignorant as to be wholly blind to his own interests. Hence the exercise of a franchise which is conferred only on those who have qualifications of education or property that prove intelligence and substance, is likely to teach the electorate useful political lessons. The electorate under the Philippine law are sufficiently alive to their own interests to make the exercise of political power a useful training for them, while the

power to be exercised is subject to such limitation as not to be dangerous to the community. More than this, the granting of the franchise was most useful in producing tranquillity among the people. The policy has been vindicated by the fact.

The importance of the agency of the Army of the United States in suppressing insurrection, I would not minimize in the least; but all who remember clearly the succession of events from 1900 to 1903 will admit that the return to peace and the acquiescence of the Filipino people in American sovereignty were greatly influenced and aided by the prospect held out to the Filipinos of participation in the government of the Islands and a gradual extension of popular self-control. Without this and the confidence of the Filipino people in the good purposes of the United States and the patience with which they endured their many burdens, that fate seemed to increase, the progress which has been achieved would have been impossible.

Let us consider in some detail what progress has been made.

First. To repeat what I have said, the Islands are in a state of tranquillity. On this very day of the opening of the National Assembly there has never been a time in the history of the Islands when peace and good order have prevailed more generally. The difficulties presented by the controversies arising with and concerning the Roman Catholic Church have either been completely settled or are in process of satisfactory adjustment on a basis of justice and equity.

Second. Most noteworthy progress has been made in the spread of general education. One of the obstacles to the development of this people speaking half a dozen or more different native dialects was a lack of a common language, which would furnish a medium of sympathetic touch with modern thought and civilization. The dense ignorance of a very large proportion of the people emphasized the necessity for a general educational system. English was the language of the sovereign power, English was the business language of the Orient, English was the language in which was thought and written the history of free institutions and popular government, and English was the language to which the common people turned with eagerness to learn. A system of education was built up, and to-day upwards of half a million children are being taught to read, write, and recite English. It is not an exaggeration to assert that now more native Filipinos speak English than

Spanish, although Spanish was the language of the ruling race in these Islands for more than two hundred and fifty years. English is not so beautiful as the Spanish language, but it is more likely to prove of use to the Filipinos for the reasons I have given. The strongest basis for our confidence in the future of the Filipino people is the eagerness with which the opportunities extended for education in English have been seized by the poor and ignorant parents of these Islands for their children. It is alike pathetic and encouraging.

I am not one of those who believe that much of the public money should be expended here for university or advanced education. Perhaps one institution merely to form a type of higher education may be established at Manila or at some other suitable place in the Islands and special schools to develop needed scientific professions may be useful, but the great part of the public funds expended for education should be used in the spread of primary education and of industrial education [applause]; that education which shall fit young men to be good farmers, good mechanics, good skilled laborers, and shall teach them the dignity of labor and that it is no disgrace for the son of a good family to learn his trade and earn his livelihood by it. The higher education is well for those who can use it to advantage, but it too often fits a man to do things for which there is no demand, and unfits him for work which there are too few to do. The enlargement of opportunity for higher education may well await private beneficence or be postponed to a period when the calls upon the Island Treasury for other more important improvements have ceased. We have laid the foundations of a primary and industrial educational system here which, if the same spirit continues in the government, will prove to be the most lasting benefit which has been conferred on these Islands by Americans.

Third. We have introduced here a health department which is gradually teaching the people the necessity for sanitation. In the years to come, when the great discoveries of the world are recited, that which will appear to have played as large a part as any in the world's progress in the current hundred years will be the discovery of proper sanitary methods for avoiding disease in the Tropics. The introduction of such methods, the gradual teaching of the people the simple facts affecting hygiene, unpopular and difficult as the process of education has been, will prove to be another one of the great benefits given by Americans to this people.

The efforts of the Government have not been confined to preserving the health of the human inhabitants of these Islands, but have been properly extended to doing what can be done in the matter of the health of the domestic animals which is so indispensable to the material progress of the Islands. The destruction by rinderpest, by surra and by other diseases to which cattle and horses are subject, I have already dwelt upon. Most earnest attention has been given by men of the highest scientific attainment to securing some remedy which will make such widespread disasters in the future impossible. Much time and effort and money have been spent and much has been accomplished in this matter. The people are being educated in the necessity for care of their cattle and for inviting in public aid at once when the dread rinderpest shows its presence. Serums have been discovered that have been effective to immunize cattle, and while the disease has not disappeared, it is not too much to say that such an epidemic as that which visited the Islands in 1900, 1901, and 1902 is impossible.

Fourth. A judicial system has been established in the Islands which has taught the Filipinos the possibility of the independence of a judiciary. This must be of enduring good to the people of the Islands. The personnel of the judges is divided between Americans and Filipinos, both for the purpose of aiding the Americans to learn and administer civil law and of enabling the Filipinos to learn and administer justice according to a system prevailing in a country where the judiciary is absolutely independent of the executive or legislative branches of the government. Charges have been made that individual judges and particular courts have not been free from executive control and have not been without prejudices arising from the race of the particular judge who sat in the court, but on the whole an impartial review of the six years' history of the administration of justice will show that the system has been productive of the greatest good and that right has been sustained without fear or favor. It is entirely natural that a system which departs from the principles of that in which one has been educated should at times attract his severe animadversion and as the system here administered partakes of two systems, it is subject to the criticism of those trained in each.

Another agency in the administration of justice has been the Constabulary. When I was here something more than two years ago, the complaints against that body were numerous, emphatic, and

bitter. I promised, on behalf of the Philippine Government and the Washington Administration, that close investigation should be made into the complaints and that, if there was occasion for reform, that reform would be carried out. It gratifies me on my return to the Islands now to learn that a change has come, that the complaints against the Constabulary have entirely ceased and that it is now conceded to be discharging with efficiency the function which it was chiefly created to perform, of sympathetically aiding the provincial governors and municipal authorities of the Islands in maintaining the peace of each province and each municipality, and that there is a thorough spirit of coöperation between the officers and men of the Constabulary and the local authorities.

In respect to the administration of justice by justices of the peace, reforms have been effected, but I am not sure that there is not still great room for improvement. This is one of the things that come home close to the people of the country and is a subject that will doubtless address itself to the wise action and consideration of the National Assembly.

Fifth. We come to the matter of public improvements. The port of Manila has been made into a harbor which is now as secure as any in the Orient, and which, with the docking facilities that are now being rapidly constructed, will be as convenient and as free from charge and burden as any along the Asiatic coast. The improvements in Iloilo and Cebu Harbors, the other two important ports of the Islands, are also rapidly progressing. Road building has proceeded in the Islands, both at the instance of the Central Government and through the agency of the provinces. The difficulties of road building and road maintaining in the Philippines are little understood by those not familiar with the difficulty of securing proper material to resist the enormous wear and tear caused by the torrential downpours of the rainy season. Progress in this direction must necessarily be gradual, for the Islands are a poor country, comparatively speaking, and roads are expensive.

Early in the history of the Islands, we began the construction of a road from Pangasinan to the mountains of Benguet in order to bring within the reach of the people of the Islands that healthful region where the thermometer varies from 40° to 80°, and in which all the diseases of the Tropics are much more easily subject to cure than in the lowlands. Had it been supposed that the road

thus to be constructed would involve an expense of nearly two millions of dollars, the work would not have been begun, but now that the road has been constructed, I would not undo what has been done, even if it were possible. As time progresses, the whole Province of Benguet will be settled; there will be made the home of many educational institutions, of many sanitariums, and there will go, as transportation becomes cheaper, the Filipino people to obtain a change of air and acquire a renewed strength that is given to tropical peoples by a visit to the Temperate Zone.

When the Americans came to the Islands, there was one railroad 120 miles long, and that was all. In spite of circumstances, which I have already detailed, making capital reluctant to come here, contracts have now been entered into, that are in the course of fulfillment, which in five years will give to the Islands a railroad mileage of about 1,000 miles. The construction of these roads will involve the investment of twenty to thirty millions of dollars, and that in itself means an added prosperity to the country, additional demands for labor, and the quickening of all the nerves of trade. When the work is finished, it means a great additional profit to agriculture, a very great enlargement of the export capacity of the Islands, and a substantial elevation of the material condition of the people.

In the matter of municipal improvements which directly concern the people, that which has taken place in Manila is most prominent. The improvement of the streets, the introduction of a satisfactory street railway system, 35 miles in length, the improvement of the general appearance of the city and its hygienic condition, the construction of new waterworks and a new sewage system, all strike one who knew the city in 1900. The improvements of other municipalities in the Islands have not kept pace with those in Manila and of course they were not so imperatively needed; but the epidemics of cholera and plague and smallpox which have prevailed have convinced those in authority of the necessity of bettering the water supply of all municipalities and for improving this by the sinking of artesian wells and other means, so that bad water, that frightful source of the transmission of disease, should be reduced to a minimum.

The Government now maintains and operates a more complete system of posts, telephones, and telegraphs than ever before in the history of the Islands. Seventy-five per cent of the 652 muni-

icipalities now established in these Islands have post-offices, in 235 of which there are now opened for business postal savings banks. The telegraph or telephone now connects all of the provincial capitals with Manila and more than 90 offices are now open for business. Appropriation has been made to provide for a system of rural free delivery. In less than one year of operation the Postal Savings Bank has deposits exceeding ₱600,000, and the number of Filipino depositors now exceeds 1,000, and the proportion of their deposits is steadily increasing.

Sixth. We have inaugurated a civil-service law for the selection of civil servants upon the merit system. On the whole it has worked well. It has grown with our experience and has improved with the disclosure of its defects.

One of the burning questions which constantly presents itself in respect to the civil service of a government like this is how far it shall be American and how far Filipino. In the outset it was essential that most of the civil servants of the Government should be Americans. The Government was English speaking and the practical difficulty of having subordinates who did not speak that language prevented large employment of Filipinos. Then their lack of knowledge of the American governmental and business methods had the same tendency. The avowed policy of the Government has been to employ Filipinos wherever, as between them and Americans, the Filipinos can do equally good work. This has given rise to frequent and bitter criticism, because it has been improperly assumed that every time that there has been a vacancy, it could be filled by a Filipino. There are two great advantages in the employment of Filipinos—one is that this is the government of the Filipinos and they ought to be employed where they can be, and the other is that their employment is a matter of economy for the Government, because they are able to live more cheaply and economically in the Islands than Americans and so can afford to receive less salary. There has, therefore, been a constant reduction of American employees and an increase of Filipinos. This has not been without its disadvantage, because it makes competent American employees feel an uncertainty of tenure and materially affects their hope of promotion and their interest in the Government of which they are a part. This disadvantage, I believe, can be largely obviated.

There are many American civil servants in this Government who

have rendered most loyal, difficult, and efficient service, in season and out of season, through plague and epidemic, in sickness and in health, in full sympathy with the purposes and policy of the government. Without them our government would have been a complete failure. They will never receive adequate reward. Their interest in their work has prevented their return to their native land where the same energy and efficiency would have earned them large return. They are most valuable public servants who have done a work that, had they done it in the English colonial service or at home, would have been certain to secure to them a permanent salary and entire freedom from anxiety as to the future. I would be glad to see adopted a system of permanent tenure and retirement on pensions for the small and higher classes of civil employees. Their continuance in the Government indefinitely is a public necessity. I sincerely hope the Philippine Assembly will exhibit its spirit of justice and public interest to the point of concurring in such a measure even though this at present will be of benefit to more Americans than Filipinos. [Applause.]

Seventh. In the progress which has been made I should mention the land system, the provision for homestead settlement, for free patents and for perfecting of imperfect titles by land registration. The homestead settlements under the law were very few for several years, but I am delighted to learn that the homestead applications during 1907 were 4,000 and the free patents applied for were 10,600. It is probable that the machinery for land registration, though necessary, is too expensive, and it will be for you to decide whether in view of the great public benefit that good land titles will bring to the country, it may not be wise to reduce the cost of registration to the land owner and charge the expense to the Government. Capital will not be advanced to the farmer unless his title is good and the great benefit of an agricultural bank can never be realized until the registration of titles is greatly increased.

This naturally brings me to the subject of the Agricultural Bank. After much effort Congress was induced to pass an Act which authorizes the Philippine Government to invite the organization of such a bank with private capital by guaranteeing an annual income of a certain percentage on the capital invested for thirty years. Negotiations have been opened and are pending with some American capitalists in the hope of securing the establishment of such a bank.

The condition of agriculture in the Islands, while generally much improved in the last three years, is still very unsatisfactory in many parts of the Islands, due not only to the continued scarcity of cattle but also to the destructive effect of the typhoon of 1905 upon the hemp culture. This has properly led to the suspension of the land tax for another year and the meeting of half the deficit in provincial and municipal treasuries thus produced, out of the central treasury.

The production of rice has, however, materially increased. It is also a source of satisfaction to note that the exports from the Islands, which are wholly agricultural, are larger in value by half a million gold dollars than ever in the history of the Islands. One of the chief duties of this Assembly is to devote its attention and practical knowledge to measures for the relief of agriculture.

Eighth. The financial condition of the Philippine Government is quite satisfactory, and so, too, is the state of the money and currency of the Islands. There is a bonded indebtedness for the purchase of the friar lands amounting to \$7,000,000, for the waterworks and sewage of Manila of \$4,000,000, and for public works amounting to \$3,500,000. Sinking funds have been established for all of these. The price paid for the friar lands was a round one and may, after the lands are disposed of, result in some net pecuniary loss to the Government, but the political benefit of the purchase was a full justification. The lands will be disposed of to the tenants as rapidly as the public interest will permit. The only other permanent obligation of the Government is the contingent liability on the guaranty of interest for thirty years on the bonds issued to construct 300 miles of railroad in the Visayas. We may reasonably hope that this obligation will soon reduce itself to nothing when the roads come into successful operation. The Governor-General reports to me that the budget for 1908 will show an income and surplus from last year, without any land tax, from which it will be possible to pay all the interest on the bonds and guaranties, all the Insular expenses, the proper part of the expenses of Manila, \$2,000,000 in permanent improvements, and still have on hand for contingencies \$1,000,000. I am further advised that the condition of most of the provinces is excellent in respect to income and surplus.

It has been necessary to reduce the silver in the Philippine peso to keep its intrinsic value within the value of 50 cents, gold,

at which it is the duty of the Government to maintain it, and this change is being rapidly carried through without much difficulty. The benefit to the people and especially the poorer and working classes in the establishment of the gold standard is very great. It eliminates a gambling feature from the business of the Islands that always worked for the detriment of the Philippine people. We are just carrying through a settlement with the Spanish-Filipino bank which I hope will provide a means of safely adding to the currency of the country and increasing its elasticity.

In recounting these various evidences of progress in the last six years, I am not unmindful that the business of the Islands is still far from prosperous. Indeed, it is noteworthy that so much progress has been made in the face of continued business depression due to the various causes I have elsewhere enumerated; but it is a long lane that has no turning and I look forward to the next decade in the history of the Islands as one which will be as prosperous as this one has been the reverse. Business is reviving, the investment of foreign capital is gradually increasing, and only one thing is needed to insure great material improvement, and that is the continuance of conservatism in this Government. I feel confident that the inauguration of this Assembly instead of ending this conservatism as the prophets of evil would have it, will strengthen it.

Before discussing the Assembly, I wish to give attention to one report that has been spread to the four corners of the globe, and which, if credited, might have a pernicious effect in these Islands. I refer to the statement that the American Government is about to sell the Islands to some Asiatic or European power. Those who credit such a report little understand the motives which actuated the American people in accepting the burden of this government. The majority of the American people are still in favor of carrying out our Philippine policy as a great altruistic work. They have no selfish object to secure. There might be a grim and temporary satisfaction to those of us who have been subjected to severe criticism for our alleged lack of liberality toward the Filipino people and of sympathy with their aspirations, in witnessing the rigid governmental control which would be exercised over the people of the Islands under the colonial policy of any one of the powers to whom it is suggested that we are about to sell them; but that would not excuse or justify the gross violation, by such a sale, of the

implied obligation which we have entered into with the Filipino people. [Applause.] That obligation presents only two alternatives for us—one is a permanent maintenance of a popular government of law and order under American control, and the other, a parting with such control to the people of the Islands themselves after they have become fitted to maintain a government in which the right of all the inhabitants to life, liberty, and property shall be secure. [Applause.] I do not hesitate to pronounce the report that the Government contemplates the transfer of these Islands to any foreign power as utterly without foundation. [Applause.] It has never entered the mind of a single person in the government responsible for the Administration. Such a sale must be the subject of a treaty and the treaty power in the Government of the United States is exercised by the President and the Senate, and only upon the initiative of the President. Hence an executive declaration upon this subject is more authoritative than an Executive opinion as to probable Congressional action.

Coming now to the real occasion of this celebration, the installation of the National Assembly, I wish, for purposes of clearness to read the section of the organic act under which this Assembly has been elected:

That two years after the completion and publication of the census, in case such condition of general and complete peace with recognition of the authority of the United States shall have continued in the territory of said Islands not inhabited by Moros or other non-Christian tribes and such facts shall have been certified to the President by the Philippine Commission, the President upon being satisfied thereof shall direct said Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands, which shall be known as the Philippine Assembly. After said Assembly shall have convened and organized, all the legislative power heretofore conferred on the Philippine Commission in all that part of said Islands not inhabited by Moros or other non-Christian tribes shall be vested in a legislature consisting of two houses—the Philippine Commission and the Philippine Assembly. Said Assembly shall consist of not less than fifty nor more than one hundred members to be apportioned by said Commission among the provinces as nearly as practicable according to population: *Provided*, That no province shall have less than one member: *And provided further*, That provinces entitled by population to more than one member may be divided into such convenient districts as the said Commission may deem best.

Public notice of such division shall be given at least ninety days prior to such election, and the election shall be held under rules and regulations to

be prescribed by law. The qualification of electors in such election shall be the same as is now provided by law in case of electors in municipal elections. The members of Assembly shall hold office for two years from the first day of January next following their election, and their successors shall be chosen by the people every second year thereafter. No person shall be eligible to such election who is not a qualified elector of the election district in which he may be chosen, owing allegiance to the United States, and twenty-five years of age.

The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): *Provided*, That the first meeting of the Legislature shall be held upon the call of the Governor within ninety days after the first election: *And provided further*, That if at the termination of any session the appropriations necessary for the support of Government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the Legislature shall act in such behalf the Treasurer may, with the advice of the Governor, make the payments necessary for the purposes aforesaid.

The Legislature may be called in special session at any time by the Civil Governor for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than thirty days, exclusive of Sundays.

The Assembly shall be the judge of the elections, returns, and qualifications of its members. A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members. It shall choose its speaker and other officers, and the salaries of its members and officers shall be fixed by law. It may determine the rule of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member. *It shall keep a journal of its proceedings, which shall be published, and the yeas and nays of the members on any question shall, on the demand of one-fifth of those present, be entered on the journal.

I can well remember when that section was drafted in the private office of Mr. Root in his house in Washington. Only he and I were present. I urged the wisdom of the concession and he yielded to my arguments and the section as then drafted differed but little from the form it has to-day. It was embodied in a bill presented to the House and passed by the House, was considered by the Senate, was stricken out in the Senate, and was only restored after a conference, the Senators in the conference consenting to its insertion with great reluctance. I had urged its adoption upon both committees, and, as the then Governor of the Islands, had to assume a responsibility as guarantor in respect to it which I have never sought to disavow. [Applause.] I believe that it is a step

and a logical step in the carrying out of the policy announced by President McKinley and that it is not too radical in the interest of the people of the Philippine Islands. Its effect is to give to a representative body of the Filipinos a right to initiate legislation, to modify, amend, shape, or defeat legislation proposed by the Commission. The power to obstruct by withholding appropriations is taken away from the Assembly, because if there is not an agreement as to appropriations between the Commission and the Assembly, then the appropriations of the previous year will be continued; but the power with this exception, absolutely to veto all legislation and initiate and shape proposed laws is a most substantial one. The concurrence of the Assembly in useful legislation can not but command popular support for its enforcement; the discussion in the Assembly and its attitude must be informing to the Executive and to the other branch of the Legislature, the Commission, of what are the desires of the people. The discharge of the functions of the Assembly must give to the chosen representatives of the Philippine electorate a most valuable education in the responsibilities and difficulties of practical government. It will put them where they must investigate not only the theoretical wisdom of proposed measures, but also the question whether they can be practically enforced and whether, where expense is involved, they are of sufficient value to justify the imposition of a financial burden upon the people to carry them out. It will bring the members of the Assembly as representatives of the people into close relation with the Executive, who will be most anxious to preserve a harmony essential to efficient government and progressive, useful measures of reform.

Critics who do not sympathize with our Philippine policy, together with those who were reluctant to grant this measure of a Legislative Assembly to the Philippine people at this time, have not been slow to comment on the result of the election as an indication that we are going too fast. I differ entirely from the view of these critics as to the result of this election and the inferences to be drawn from it.

The small total vote as compared with the probable number of the total electorate shows that a considerable majority of those entitled to vote did not exercise the privilege. This indicates either an indifference or a timidity that we would not find in a people more used to the wielding of political power; but it affords no

reason for supposing that as the Assembly proves its usefulness and important power, the ratio of votes to the total electorate will not rapidly increase.

The election was held without disturbance. In many districts there were bitter controversies, but the complaints of fraud, violence, or bribery are insignificant. Although the Government was supposed to favor one party, and was subject to much criticism in the campaign, no one has been heard to say that the power of the Executive was exerted in any way improperly to influence the election. This furnishes a good object lesson.

A popular majority of those who exercise the franchise have voted for representatives announcing a desire for the immediate separation of the Islands from the United States. This majority is a small one when the returns are carefully considered and is much less than the ratio between the party representatives in the Assembly would lead one to suppose. However, assuming a decided majority for immediate independence, the result is one which I thought possible even while I was urging the creation of the Assembly. It is not a disappointment. If it indicated that a majority of the representatives elected by the people were a body of irreconcilables determined to do nothing but obstruct the present Government, it would indeed be discouraging; but I am confident from what I know and hear of the gentlemen who have been elected that while many of them differ with me as to the time in which the people of the Islands will become fit for complete self-government, most of them have an earnest desire that this Government shall be carried on in the interests of the people of the Philippines and for their benefit, and shall be made for that purpose as effective as possible. They are thus generally conservative. Those whose sole aim is to hold up the Government to execration, to win away the sympathy of the people in order to promote disturbance and violence, have no proper place in this Assembly. Had the Filipino people sent such a majority, then I should have to admit that the granting of the Assembly was a mistake and that Congress must abolish it.

It has been reported in the Islands that I was coming here for the purpose of expressing in bitter and threatening words my disappointment at the result of the election. Nothing could be further from my purpose; nothing could be less truly descriptive of my condition of mind. I am here, filled with a spirit of friendship and encouragement for these members, who now enter upon a new

field in which they have much to learn, but where everything can be learned and their duty most efficiently discharged, if they are led by an earnest desire to assist and guide the Government in aiding the people. I have no right to appeal to the members of this Assembly to conduct themselves in the discharge of their high duties in a manner to vindicate me in the responsibility I assumed in urging Congress to establish this Assembly, because they should find a stronger reason for so doing in their sworn duty; but it is not inappropriate for me to touch on this personal feature of the situation, because my attitude has been misconstrued and my sympathetic interest in, and hope for, the success and usefulness of this National Assembly have not been properly stated.

I venture to point out a number of things that you will learn in the course of your legislative experience. One is that the real object of a legislature is to formulate specific laws to accomplish specific purposes and reforms and to suppress specific evils; that he makes a useful speech who studies the question which he discusses and acquires and imparts practical information by which the remedies offered can be seen to be applicable to the evil complained of; that the office of a legislator for a great country like this is one that can be discharged conscientiously only by the use of great labor, careful, painstaking investigation and hard work in the preparation of proposed measures. One of the most necessary traits in a successful legislator or executive is patience. Where the sudden change in that which is regarded as a wrong system may paralyze a necessary arm of the government, ways and means must be devised to bring about the change gradually. There will be a temptation to take up measures which will invite the support of popular prejudice rather than measures which will really accomplish good for the body politic. Such a temptation exists in older legislative bodies than this, and we can not hope that it will be absent from here; but, in the end, the man who exerts the most influence in this body and among the people will be the man who devotes most conscientiously his time to acquiring the information upon which legislation should be based and in explaining it to his colleagues and his people. The man who is seeking to put his adversary or the Government in an embarrassing situation may win temporary triumph; but the man who himself feels responsibility of government, and who, while not concealing or failing to state the evils which he considers to exist in the Government, is using

every effort to reform those evils, will ultimately be regarded as the benefactor of his country. [Applause.]

I have not the time, and doubtless not the information, which would justify me in pointing out to the Assembly the various subject-matters to which they may profitably devote their attention with a view to the formulation of useful legislation. They will properly feel called upon to devote their attention to public economy in the matter of the numerous governmental Bureaus which have been made the subject of criticism. It is quite possible that they may find in their investigations into these matters reasons for cutting off officers and Bureaus, but I sincerely hope that no such effort will be made until a full investigation is had into the utility of the functions which the Bureau performs and the possibility of dispensing with them. I can remember that while I was Governor there was much outcry against the extravagance of maintaining certain Bureaus which in subsequent crises in the public welfare proved their great usefulness beyond cavil. Of course we shall encounter in this investigation and discussion a radical difference between legislators and others as to the function which a government in these Islands ought to perform. It is entirely easy to run an economical government if all that you do is to maintain order and if no steps are taken to promote health, to promote education, and to promote the general welfare of the inhabitants. It is of course the object of the person charged with the duty of governing a country to reach the golden mean; that is, to make governmental provisions for the welfare of the people without imposing too great a tax burden for the purpose. The taxes in this country are imposed partly by the Legislature and partly by Congress. The former will constantly have your attention. In so far as the welfare of the country is affected by the latter—to wit, the customs duties—and can be improved by a change of them, it would be wise for the Legislature to devote much time and thought to recommendations to Congress as to how they should be changed, for I doubt not that Congress will be willing and anxious to take such steps as may commend themselves to the people of the Islands in the matter of adjustment of duties, having regard to the raising of sufficient revenue on the one hand and to as little interference with useful freedom of trade as possible on the other.

As you shall conduct your proceedings and shape your legislation on patriotic, intelligent, conservative and useful lines, you will

show more emphatically than in any other way your right and capacity to take part in the Government and the wisdom of granting to your Assembly and to the people that elected you, more power. There are still many possible intervals or steps between the power you now exercise and complete autonomy. Will this Assembly and its successors manifest such an interest in the welfare of the people and such clear-headed comprehension of their sworn duty as to call for a greater extension of political power to this body and to the people whose representative it is? Or shall it by neglect, obstruction, and absence of useful service make it necessary to take away its existing powers on the ground that they have been prematurely granted? Upon you falls this heavy responsibility. I am assured that you will meet it with earnestness, courage, and credit. [Applause.]

In closing, I can only renew my congratulations upon the auspicious beginning of your legislative life in a fair election, and to express to you my heartfelt sympathy in the work which you are about to undertake, and my confidence that you will justify in what you do, and do not do, the recommendations of those who are responsible for that section in the organic act that has given life to this Assembly. [Great applause.]

ROLL CALL.

Upon the completion of the address and at the direction of the Secretary of War the Executive Secretary read the list of Delegates elected according to the records of his office with a request that each member rise as his name was called. The reading of the roll resulted as follows:

Present:

Macario Adriático, Mindoro.
Felipe Agoncillo, Batangas.
Marcelino Aguas, Pampanga.
Quiremón Alkuino, Leyte.
Tomás Almonte, Albay.
José Altavas, Capiz.
Juan Alvear, Pangasinan.
Tomás Aréjola, Ambos Camarines.
Andrés Asprer, La Unión.
Amando Avanceña, Iloilo.
Alberto Barretto, Zambales.
Eutiquio Boiles, Bohol.

Candelario Borja, Bohol.
Casiano Causing, Cebú.
Gregorio Catigbac, Batangas.
Pedro Chaves, Sorsogon.
Nicasio P. Claravall, Isabela.
José A. Clarin, Bohol.
Melecio Cojuangco, Tarlac.
Carlos Corrales, Misamis.
Manuel Corrales, Misamis.
Eugenio Daza, Samar.
Salvador Demeterio, Leyte.
Regino Dorillo, Iloilo.
Vicente Singson Encarnación, Ilocos Sur.
Lorenzo Fenoy, Pangasinan.
Isauro Gabaldón, Nueva Ecija.
Emiliano Gala, Tayabas.
Troadio Galicano, Cebú.
Dominador Gómez, Manila.
Matias González, Pangasinan.
Fernando Ma. Guerrero, Manila.
Leon Ma. Guerrero, Bulacan.
Pablo Guzmán, Cagayan.
Adriano Hernández, Iloilo.
Carlos A. Imperial, Albay.
Nicolas Jalandoni, Iloilo.
Irineo Javier, Ilocos Norte.
Antonio Jayme, Occidental Negros.
Pedro V. Jiménez, Antique.
Salvador Laguda, Iloilo.
Gabriel Lasam, Cagayan.
José M. Lerma, Bataan.
Vicente Locsin, Oriental Negros.
Cayetano Lukban, Rizal.
Dionisio Mapa, Occidental Negros.
Monico Mercado, Pampanga.
Maximino Mina, Ilocos Sur.
Simeón Mobo, Capiz.
Agustín Montilla, Occidental Negros.
Crispin Oben, La Laguna.
Eusebio Orense, Batangas.
Sergio Osmeña, Cebú.
Nicanor Padilla, Pangasinan.
Rafael Palma, Cavite.
Pedro A. Paterno, La Laguna.
Santiago Patero, Palawan.
Florentino Peñaranda, Leyte.
Eugenio Picazo, Capiz.

Aurelio Pineda, Tarlac.
Baldomero Pobre, Ilocos Norte.
Manuel L. Quezon, Tayabas.
Bartolome Revilla, Rizal.
Manuel Rey, Ambos Camarines.
Deogracias Reyes, Pangasinan.
Angel Roco, Albay.
Celestino Rodríguez, Cebú.
Pedro Rodríguez, Cebú.
Honorio Rosales, Samar.
Leopoldo Rovira, Oriental Negros.
Alejandro Ruiz, Cebú.
Luciano Sinko, Samar.
Francisco Soriano, Surigao.
Filemon Sotto, Cebú.
Aguedo Velarde, Bulacan.
Vicente de Vera, Sorsogon.
Jaime C. de Veyra, Leyte.
Juan Villamor, Ilocos Sur.
Francisco Zanduetta, La Unión.

Absent:

Francisco Alvarez, Ambos Camarines.

Number present, 79; number absent, 1.

The SECRETARY OF WAR. The call of the roll discloses the presence of seventy-nine of the persons who appear by the returns to have been elected to this Assembly out of a total of eighty and so shows the presence of a full majority.

By authority of the President of the United States, I therefore declare the Philippine Assembly open for the transaction of business. (The hour was 12 o'clock meridian.)

With the permission of the members of the Assembly and by arrangement of the Governor-General and the Commission, I invite Bishop Barlin to pronounce the invocation.

Bishop Barlin thereupon pronounced the invocation in the Spanish language, as follows:

To Thee, O Most High Creator, omnipotent, sole King great and most terrible, who reignest with eternal majesty over the universe and over everything therein existing, as the one Lord God, who created it with Thy power, put it in order with Thy wisdom, sustains it with Thy goodness and governs it with Thy providence; to Thee, Word of God on Highest, in whom the light of intelligence exists from eternity, and with which Thou enlightenest every man

who comes into this world; to Thee, Fount of Wisdom, whose currents are eternal commandments, from right and from justice, for man and for States, for families and for societies, for peoples and for nations, for tribes and for empires; to Thee, O Father of Light, from whom cometh every perfect gift, counsel and equity, prudence and fortitude; to Thee, in whose hands are the riches and the glory, the opulence and the justice of nations; to Thee, by whom rulers govern with wisdom, and lawgivers decree just laws, and the princes and the heads of peoples command good things, and the judges administer justice; we invoke Thee to-day, in the great day of our history, in the day when the Filipino people, a people who confess and adore Thee, come together for the first time to deliberate over their future destinies. Shower on their noble representatives the abundance of Thy gifts, light on their intelligence, firmness on their will, rectitude, nobility, and decision on their acts, prudence and skill on all their decisions; so that they may decree what will be good and useful for the people, that which will contribute to their greatest happiness and greatness, which will make them walk always in the path of true human progress, to the glorious summits of sound liberty and independence, where dwells the noble and great Nation to which Thou hast intrusted the continuance and consummation of the work of their moral and political aggrandizement. Bless also, O Omnipotent God, the Nation under whose protecting ægis Thou hast placed the direction and safeguarding of our social life, our peace, and our liberty. For its sentiments and practice of justice Thou hast made it great and strong, Thou hast exalted it with majesty and power over many peoples; cause it, O God, in carrying out the mission that Thou hast confided to it, to make the Filipino people great and happy among the other great peoples of the earth. Amen.

THE SECRETARY OF WAR. The Assembly having been opened for business, what is its pleasure? In the absence of proper organization and for the purpose of facilitating action, any motion now presented will be submitted by me to the Assembly.

ADJOURNMENT.

Sergio Osmeña, Delegate-elect from Cebu, was recognized and moved that the meeting do now adjourn to meet again at 5 o'clock this afternoon at the Marble Hall of the Ayuntamiento. The motion was seconded by Eugenio Picazo, Delegate-elect from Capiz.

The yeas and nays being taken, the yeas prevailed.

It being 12 o'clock and 15 minutes postmeridian, the Secretary of War, presiding, thereupon declared the Assembly adjourned to meet again this afternoon at 5 o'clock at the Marble Hall of the Ayuntamiento, and directed the Secretary to have prepared and furnished to the Assembly at the meeting of this afternoon a certified copy of the minutes of the morning's proceedings.

WM. H. DONOVAN,

Secretary, Philippine Commission, Reporter.

I hereby certify that the foregoing is a true record of the proceedings had at the opening of the Philippine Assembly, held this the 16th day of October, A. D. 1907.

A. W. FERGUSON,

Executive Secretary.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

THURSDAY, OCTOBER 17, 1907.

The Commission met on the call of the President, at 2 o'clock and 50 minutes postmeridian.

Present: Commissioners Worcester, Tavera, Legarda, Luzuriaga, Forbes, Shuster, and Governor-General James F. Smith, ex officio President of the Commission.

Absent: None.

MESSAGE FROM THE ASSEMBLY.

The President stated that at 11.30 a. m. he had been waited upon by a committee of the Philippine Assembly composed of Honorable Alberto Barretto, Delegate from Zambales, chairman, Honorable Vicente Singson Encarnación, Delegate from Ilocos Sur, and Honorable Pedro Rodriguez, Delegate from Cebu, bearing a message from the Assembly officially announcing to the honorable the Governor-General and the Philippine Commission that the Philippine Assembly had duly organized and was ready for business, and awaited from the Chief Executive such message or other communication as he might desire to make to that body; that the President announced to the committee of the Assembly that the message was prepared and suggested that if there was no objection upon the part of the Assembly the Houses of the Philippine Legislature meet in joint session at 3 o'clock this afternoon for the purpose of receiving the message of the Chief Executive directly; that the committee had then retired, and shortly afterwards the chairman of the committee had returned with a message from the Assembly to the effect that the hour fixed was agreeable to that body.

The hour of 3 having arrived,

On motion,

The Commission repaired to the Hall of the Assembly to meet the Assembly in joint session.

Upon the dissolution of the joint session, report of which follows, the Commission reconvened in the Commission Session Chamber, with the President in the chair.

RESOLUTIONS.

The President introduced the following resolution:

C. R. No. 1. *Resolved*, That a committee of three be appointed to confer with a similar committee appointed by the Assembly on the subject of resolutions to be sent to the President of the United States and through him to the Congress and the people of the United States, expressing the appreciation of the people of the Philippines for the mark of confidence and trust reposed in them by the sovereign power in authorizing the organization of the Philippine Assembly.

The resolution was adopted.

The President thereupon appointed Commissioners Forbes, Legarda, and Shuster as such committee.

Commissioner Tavera introduced the following resolution:

C. R. No. 2. *Resolved*, That the Executive Secretary be, and he is hereby, directed to have printed in pamphlet form six thousand copies in Spanish and three thousand five hundred copies in English of the address of the honorable the Secretary of War delivered on the formal opening of the Philippine Assembly on October sixteenth, nineteen hundred and seven, and in a separate pamphlet the same number in English and Spanish of the message of the Governor-General to the Philippine Legislature on the organization of the Philippine Assembly, five hundred or more copies of each pamphlet in English to be furnished the honorable the Secretary of War as may be directed by the Governor-General, one hundred copies in Spanish to the Philippine Assembly, and the remainder to be distributed in the same manner as distribution was made of the inaugural address of the Governor-General in accordance with a resolution of the Commission of October second, nineteen hundred and six, or as may be directed by the Governor-General.

The resolution was adopted.

ADJOURNMENT.

On motion,

The Commission adjourned to meet at the call of the President:

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL.

IN JOINT CONVENTION, ASSEMBLY HALL.

THURSDAY, OCTOBER 17, 1907.

At 3 o'clock postmeridian the Commission and Assembly met in joint convention.

Governor-General James F. Smith, ex officio President of the Commission, assumed the chair on the invitation of the Speaker of the Assembly.

ROLL CALL.

The Secretary of the Commission was directed to call the roll of the Commission.

The roll was called and the following members answered to their names:

Commissioners Worcester, Tavera, Legarda, Luzuriaga, Forbes, Shuster, the President.

The Presiding Officer then requested the Recorder of the Assembly to call the roll of the Assembly.

The roll of the Assembly was called, with the following result:

Present:

Macario Adriático	Alberto Barretto	Eugenio Daza
Felipe Agoncillo	Eutiquio Boiles	Salvador Demeterio
Marcelino Aguas	Candelario Borja	Regino Dorillo
Quirémón Alkuno	Casiano Causing	Vicente Singson Encarnación
Tomás Almonte	Gregorio Catigbac	Lorenzo Fenoy
José Altavas	Pedro Chaves	Isauro Gabaldón
Francisco Alvarez	Nicasio P. Claravall	Emillano Gala
Juan Alvear	José A. Clarin	Troadio Galicano
Tomás Aréjola	Melecio Cojuangco	Dominador Gómez
Andrés Asprer	Carlos Corrales	Matias González
Amando Avanceña	Manuel Corrales	

Fernando Ma. Guerrero	Maximino Mina	Manuel Rey
Leon Ma. Guerrero	Simeón Mobo	Deogracias Reyes
Pablo Guzmán	Agustín Montilla	Angel Roco
Adriano Hernández	Crispin Oben	Celestino Rodríguez
Carlos A. Imperial	Eusebio Orense	Honorio Rosales
Nicolas Jalandoni	Sergio Osmeña	Leopoldo Rovira
Irineo Javier	Nicanor Padilla	Alejandro Ruiz
Antonio Jayme	Rafael Palma	Luciano Sinko
Pedro V. Jiménez	Pedro A. Paterno	Francisco Soriano
Salvador Laguda	Santiago Patero	Fillemón Sotto
Gabriel Lasam	Florentino Peñaranda	Aguedo Velarde
José M. Lerma	Eugenio Picazo	Vicente de Vera
Vicente Locsin	Aurelio Pineda	Jaime C. de Veyra
Cayetano Lukban	Baldomero Pobre	Juan Villamor
Dionisio Mapa	Manuel L. Quezon	Francisco Zanducta
Monico Mercado	Bartolome Revilla	

MESSAGE OF THE GOVERNOR-GENERAL.

A quorum of both Houses being present, the Presiding Officer arose and addressed the Legislature as follows:

The Philippine Legislature having met in joint session, the Executive presents his first message and submits it for the consideration of both Houses. To save time, and as all the members of both Houses understand Spanish, the message will be read in Spanish by Mr. Rupert Fergusson, the official interpreter.

The message, which was thereupon read in Spanish, as directed, is as follows:

To the Philippine Commission and the Philippine Assembly:

Nine years ago last May the war flags of the United States fluttered over the waters of Manila Bay and 7,000 men engaged in deadly conflict marked the beginning of a new rule of national conduct, a new conception of national responsibility, and a new epoch in the world's history. Then for the first time since the world began did a nation, flushed with victory and mistress of the fate of conquered millions, turn her face from earth to heaven, and, catching some of that divine charity which inspired the Good Samaritan, set herself to lift a subject people to a higher plane of progress; nay, more, to make them sharers of all the rights, the privileges, and the liberties which she herself enjoyed. For her the story of the Good Samaritan was intended by the meek and lowly Savior as a lesson to nations as well as men, and though the hand extended by her in amity and brotherly love was roughly thrust aside by those she sought to aid, though her promises were doubted and her motives suspected, though her authority was disputed and her friendly advances met open defiance and resistance, she clung to her policy of disinterested benevolence with a tenacity born of conviction. She knew her neighbor, and while the smoke of battle still hung over the hills and valleys of the Philippines and every town and barrio in the Islands was smoking hot with rebellion, she replaced the military with a civil régime and on the smoldering embers of insurrection planted civil government.

The soldiers of the Regular Establishment retired to their stations, their barracks, and their garrisons, and from the body of the people but a little while before in armed resistance to her authority she organized a force of Constabulary to protect life and property and to preserve the peace and public order. She has given to every municipality its own government and conferred upon it ample powers to impose municipal taxes, to incur obligations within the limit of its income, to expend as to it may seem proper all municipal revenues except moneys reserved for schools, and to administer its local affairs through officials elected by direct vote of the people. Neighboring municipalities having the same customs and speaking generally the same language have been constituted into provinces, and provincial boards composed of a provincial treasurer, appointed by the Governor-General, and a provincial governor and third member elected by popular vote have been created to remedy official abuses and to exercise jurisdiction in all matters affecting the welfare and interests in common of the municipalities within the provincial limits.

A pure, impartial, and upright judiciary has been created and an antiquated method of judicial procedure, which prolonged litigation and ruined litigants with the law's delay, has been replaced by one which secures to all who diligently seek its aid a fair hearing without favor, and justice without price.

She has established an honest and efficient civil service and by making the subordinate offices and employments of the Government rewards of merit she has secured the service from the baneful consequences of political intrigue and the corrupting influence of a traffic in positions of public trust.

She has taken a census of the people that she might intelligently legislate in their behalf and provided a sanitary organization which, though bitterly opposed, has suppressed plague, practically eliminated smallpox as an endemic disease, successfully combatted cholera, reduced the death rate, and greatly improved health conditions in those localities in which its rules have been respected and enforced.

While other governments under similar circumstances might have feared knowledge among the masses of the people, she feared ignorance, and ignoring every selfish argument she has established a system of public instruction along practical lines which reaches nearly every nook and corner of the Archipelago. Insular, municipal, and barrio schoolhouses have been erected, hundreds of teachers imported, and the opportunity for intellectual improvement and education brought within the reach of rich and poor alike. She has sent to the homeland intelligent young men and women, natives of the Philippines, that they might have the advantage of the instruction given to her own sons and daughters, so that, becoming acquainted with her laws, her customs, and the practical workings of popular government, they might return to the land of their birth prepared to coöperate in the patriotic work of developing, uplifting, and regenerating the people of their own race.

She has constructed 500 miles of highways and roads, hundreds of steel and concrete bridges, and thousands of concrete culverts.

The Weather Bureau, which was founded by the Jesuit Fathers under the Spanish Government, has been so extended and amplified that practically at every port of call in the Islands typhoon signals are displayed in ample time to warn navigators of impending danger.

Formerly 25 light-houses and 31 buoys and unlighted beacons helped to guide the mariner over trackless seas. One hundred and seventeen light-houses and 107 buoys and unlighted beacons now point the way with certainty to the longed-for port of destination.

For five years the labor of charting rocks, reefs, and shoals that menaced navigation has been steadily pursued and the ten-year task of surveying the dangerous waters that wash the shores of the Philippines engages the attention of three vessels fully equipped for the work where none was occupied before.

She has completed the harbor works of Manila, at a cost of more than ₱6,000,000, and improved the ports of Iloilo and Cebu to the extent of ₱1,600,000 more.

She has beautified the city of Manila and so improved its sanitary condition that the mortuary and health statistics now very favorably compare with many of her own cities. Many of the streets of the city have been widened and all of them reconstructed. Large extensions of urban property have been made available for building purposes by the creation of beautiful boulevards and the building of new avenues of communication.

A well-disciplined fire department, fully equipped with modern apparatus, has taken the place of the bucket brigade, and the hand engine, so old "that the memory of man runneth not to the contrary," is now a thing of the staid and stately past.

The Bridge of Spain has been widened and two costly new steel bridges have been thrown over the Pasig River at convenient points. Two hundred acres of new-made ground now provide additional space along the harbor front for the needs of commerce and business, and thirty acres along the bay shore have been added to the system of city parks and pleasure grounds. Within a year the city will be blessed with a plentiful supply of pure water, free from all danger of contamination, and the present costly system of removing the filth and foulness of a large city will be replaced by a modern sewerage system imposing but little if any burden on the inhabitants.

She has netted the Islands with lines of telegraph and furnished to those parts of the Archipelago cut off from ways of communication a system of interisland transportation and subsidized steamers which encourages increased production and opens up new markets to the farmer and the industrial.

Hindered by almost insurmountable obstacles, she has established a postal system which, while defective in many particulars owing to lack of funds, reasonably meets the needs of business without unduly straining the resources of a very modest treasury.

Fifty per cent of the tonnage tax imposed upon the smaller vessels has been removed and the owners of the thousands of lighter craft which

ply the rivers and skirt the shores of the Archipelago have been encouraged to extend their activities for the benefit of commerce and trade.

To stimulate agricultural pursuits and the planting, with marketable and useful products, of the vast areas which now lie fallow for lack of transportation facilities, she has granted concessions for the construction of 750 miles of railroad and guaranteed interest on the bonds issued for the cost of construction.

With the exception of first-group woods, lumber, timber, and other forest products may, for the construction of dwellings and buildings for personal use, be cut or extracted from the public forests free from taxes or other Government exactions.

The public domain has been thrown open to the people for settlement and no one may now complain of lack of opportunity to acquire, without cost, land sufficient to modestly support a family and to build thereon a home with but little expense save that of his personal labor and energy.

Agrarian difficulties, which for nearly a quarter of a century were a menace to the prosperity of many provinces and the peace of the Archipelago, have been finally settled by the purchase of the landed properties of the religious orders and by giving to tenants an opportunity to acquire, on easy conditions, the title to holdings which they and their ancestors had cultivated and developed for generations.

Finding that the majority of property holders had no title to the lands occupied and claimed by them as their own and that more than 200,000 claimants to lands and landed estates had no higher title than that of bare possession, she provided an easy and inexpensive method of perfecting inchoate or defective titles, and by means of a system of Government insurance of the titles so perfected she has reduced transfers of real property and the obtention of loans thereon to a minimum of time, of cost, and of difficulty.

She has abolished the inquisitorial system of criminal investigation and secured to every citizen, however humble, and whatever his crime, the right to know the charge against him, the advantage of a speedy trial before the civil tribunals, and the high privilege of being confronted and of examining at every stage of the proceedings the witnesses produced against him.

Insular prisons are no longer institutions for the promotion of idleness and the encouragement of the liberated convict to continue his career of crime because he knows of no better method of gaining a livelihood. The prison has ceased to be an establishment designed solely for the punishment of the transgressor and has become a school for the uplifting and regeneration of those caught in the meshes of the law. If aught remains in him of good, the prisoner to whom the prison gates are opened starts life again with habits of industry and a useful trade or occupation. The spirit of regeneration is strong within him and he begins a new career confident of himself and sure that he and the world and all its trials are to meet on more equal terms.

Animated by the same feeling of pity and sympathy which induced

her to teach and better rather than punish and worsen those whom misfortune or an evil life had brought within prison walls, she has boldly undertaken the experiment of establishing a penal colony ruled and managed under Government supervision by the prisoners themselves. Four hundred prisoners now guard themselves and maintain order and discipline at Iwahig, in the Island of Palawan, under the supervision of a single man and his assistant. No weapons, other than justice, kindness, and firmness, compel obedience to authority. A life of comparative freedom, the busy day, the hope of gain, a sense of responsibility bred by the trust and confidence reposed in them, and the expectation that industry and good conduct will obtain the privilege of having with them their families will, it is hoped, convert the convict into a valuable and useful citizen. It may be that the experiment will prove a failure. But what if it does? It is worthy of a trial by a nation at once the most altruistic and most practical of all the world.

She has taken the leper from the hospital and from his miserable life of isolation in the fields and has given to him not only a home but the opportunity to follow most of the avocations and pursuits which make life happy or endurable to his fellow-men.

She has sent her agents to the fastnesses of the wild tribes of the mountain and, making her officials the arbiters and the judges of the wild men's differences and disputes, she has brought them into touch with the benefits of a civilized life and by encouraging friendly relations and barter among them has prepared them to enjoy better things than constant internecine strife and mutual destruction.

In the face of virulent opposition she destroyed without hesitation a system of taxation which imposed upon the poor and weak almost the entire charges of government and for it she has substituted a revenue system which so distributes the load that every citizen must carry his fair share of the burdens which every civilized people must bear for the sake of government. Under similar conditions the taxes are now the same for all who reside in the Philippines, and the invidious and annoying distinctions and discriminations formerly prevailing as to taxes and contributions exacted from Spanish and native citizens, from citizens of the half blood, and from Chinese and European residents, have been entirely removed and abolished.

For a variable and fluctuating currency which made trade and business a gamble and imposed heavy losses on those little able to pay them she substituted a stable currency and a settled measure of value.

She has founded a postal savings bank to guard and invest the savings of the poor and to inculcate in the masses of the people habits of thrift and frugality.

She has encouraged private capital to establish an agricultural bank and has authorized the Insular Government to guarantee interest on loans made to the farming and agricultural community.

She has established a bureau of laboratories, the best equipped and furnished in all the East, for the scientific investigation of tropical diseases, whether of men or animals, the manufacture of serums, vaccines, and

other prophylactics, the study of the vegetable and mineral products of the Islands, and the best means to make them valuable and marketable.

She has placed the forests of the Philippines and their valuable timbers under Government protection, and by forbidding forest fires and careless and improvident cutting she has secured for all time the majority of the provinces against the scarcity of timber which threatened to curse the entire Archipelago.

Freedom of speech and liberty of the press have been granted to the people of the Philippines, coupled only with the condition imposed upon her own people that neither shall be used to incite a disturbance of the public peace or the breaking of the law, and although both rights have been used by the deceived and unthinking to excite distrust in the minds of the unsuspecting masses and by the designing and malicious to malign and calumniate the sovereign power, both rights are as unimpaired to-day as they were on the day on which they were granted.

The right of the people to peaceably assemble and petition for redress of their grievances is as well recognized in the Philippines as it is in the United States, and the right of every citizen to worship his God at the altar of his own choosing and to enjoy freedom of religious worship without discrimination, preference, or favor are as much a part of the organic law of the Philippines as they are of the American Constitution.

These are some of the things which have been accomplished during the nine years of American rule, three of which were devoted to war and the suppression of public disorder and rebellion. This is some of the record of accomplishment of American altruism at which the nations of the world have laughed long and loud and for which, because it was unsanctioned by precedent and unproved by experience, those wise in the policies of the past have predicted failure and disaster. But enough of this. All that the United States has done in the past, all the sacrifices which she has made, all the patience which she has exercised, all the blood and treasure which she has expended will not have been in vain if it shall have taught the people of the Philippines to lay aside unworthy suspicions which make for failure and to give the trust and confidence which will bring success.

With the organization of the Philippine Assembly a new era has commenced and henceforth the responsibility imposed upon the Philippine Commission, appointed by the President and confirmed by the Senate of the United States, will be divided with the representatives elected to the Assembly by the Filipino people.

It has been said that the Philippine Assembly enjoys no power and that in shaping the future of the Islands its influence will be practically negative. To this let it be answered that the rights, privileges, and powers possessed by the Philippine Assembly are exactly the same as those enjoyed by coordinate branches of the legislature wherever liberal government prevails. True, it can pass no laws without the concurrence of the Philippine Commission; on the other hand, it is equally true that no legislative action on the part of the Commission can be effective or have the force of law until it has met the definite approval of the Assembly.

The fact that the Assembly is elected and that the Commission is not, presents nothing novel to the student of history or to the lawmaker who is well acquainted with the composition of such modern governments as recognize the right of the people to determine the legislation which is to govern them.

The Imperial Diet of Japan is composed of two chambers—the House of Peers, made up of the hereditary princes, marquises, counts, viscounts, and barons of the Empire, and of the House of Representatives, the members of which are elected by the people.

Germany has its Bundesrath, composed of members appointed by the former independent states, and the Reichstag, the members of which are elected by the people.

In Italy the legislative power is vested in a Senate, the members of which are princes of the royal house and appointees of the King, and in a Chamber of Deputies, elected by the people.

The Reichsrath of Austria is composed of hereditary princes and nobles, of certain ecclesiastical officials, and the appointees of the Emperor. Some of the members of the Lower House are elected by direct and others by indirect vote of the people.

England, which is nothing more nor less than a republic with a hereditary president, vests all legislation in a House of Commons, elected by the people, and in a House of Lords, composed of hereditary and created peers, the Irish and Scotch peers, and the bishops of the Church of England.

Let this be as it may, the Government of the United States and the Philippine Commission consider the Philippine Assembly to be one of the important factors in the solution of the delicate problem of aiding and assisting a new people to permanently secure the rights, privileges, and liberties, the enjoyment of which by other peoples has been the development of a thousand years of trial and preparation.

The Commission has gratefully looked forward to the coming of the Assembly in order that some of the grave responsibilities which have hitherto weighed heavily upon it might be shared with the representatives of the people, who through their intimate contact with the citizen and with the affairs of government will be able to bring about a better appreciation of those public measures and policies which have hitherto been misunderstood and misinterpreted.

And this brings me to the consideration of those things which are of the highest interest to the people of the Islands and to those who represent them in the Philippine Assembly.

First of all, let me speak of the burning question of taxation, which has done so much to breed distrust and dissatisfaction. Complaints have been loud and deep that interior taxation has been multiplied and that the burdens of government have been increased by the Commission many times over those which were imposed by the previous régime. This would be important if true, but fortunately for the credit of the American Government in the Philippine Islands the facts do not sustain the charge. The

following comparative statement of taxes imposed by the Philippine Commission and by the Spanish Government, as taken from the Auditor's report for the year 1906 and the *Presupuesto General de Gastos é Ingresos de las Islas Filipinas*, will show that less interior taxes to the extent of \$746,000, gold, were imposed by the Philippine Commission than were imposed by the Spanish Government. All amounts are stated in gold coin. Mexican is reduced to gold at the rate of 2 for 1.

Comparative statement for the years 1897 and 1906 of taxes imposed by the Spanish Government and the Philippine Commission.

Item.	United States Government, 1906.	Spanish Government, 1897.
Insular:		
Internal revenue.....	\$2,592,000	
Postal and telegraph service.....	193,000	\$50,000
Miscellaneous (fees, profits, etc.).....	1,263,000	93,000
Cedulas (Chinese head tax, non-Christian tribute, and miscellaneous direct personal taxes).....		3,478,000
Urbana (a form of land tax).....		70,000
Industrial.....		701,000
Forestry.....		85,000
Opium.....		288,000
Stamps and stamped paper.....		385,000
Lotteries.....		500,000
Provincial (including city of Manila except municipal taxes):		
Internal revenue.....	342,000	
Cedulas.....	426,000	
Land tax.....	902,000	
Miscellaneous.....	52,000	
Municipal:		
Internal revenue.....	633,000	
Cedulas.....	426,000	700,000
Land tax.....	348,000	
Urbana.....		7,000
Miscellaneous (includes city of Manila purely municipal taxes).....	1,276,000	270,000
Money value of compulsory labor on public works, computed on the basis of 1 peseta per diem for fifteen days for each of 1,000,000 men subject to the tax.....		1,500,000
Fees and other legal perquisites collected but not covered into the Treasury, as ascertained from official and personal records, but which, for obvious reasons, is far from complete.....		1,072,000
Total	8,453,000	9,199,000

Excess collected by Spanish over United States Government, \$746,000.

In this statement the customs collections under the American Government and the Spanish Government have not been included for the reason that exports have increased from \$16,535,000 under the Spanish régime to \$33,721,517 under the American, and imports from \$14,251,000 to \$29,606,140. To show that more interior taxes have been imposed by the Commission than by the Spanish Government it would not only be incorrect but manifestly unfair to compare the duties collected on imports and exports which had doubled with the duties collected when only half the amount of business was done.

If the foregoing statement be correct—and it is—the Government of the Philippine Islands now realizes from interior taxation \$746,000, gold, less than was collected under the former sovereignty. True, the banker

and the farmer, the merchant and the capitalist pay very much more in taxes now than was exacted from them under the Spanish rule; on the other hand, it should be remembered that a heavy burden of taxation has been taken from the shoulders of the poor and the weak and that all the complaint which has been made as to taxation is nothing more nor less than a complaint that the burden has been transferred from those less able to bear it to those who are stronger and better able to carry the weight. Under the former régime a graded cedula tax was collected on men and women of full age, whereas since the transfer of sovereignty a tax of but one peso has been exacted, and that from men only. From cedulas the Spanish Government derived, according to its *Presupuesto General de Gastos é Ingresos de las Islas Filipinas*, ₱8,178,000, while ₱1,700,000 measures the full sum derived annually from the same source under American rule. One million two hundred and fifty thousand men were liable under Spanish laws for the *prestación personal*, a tax of fifteen days' labor on public works. Reducing the number of men to a million and fixing the wage at a peseta a day, the value of this tax in money reached the comfortable sum of not less than ₱3,000,000.

As the present Government collects only ₱1,700,000 in cedulas and does not exact the *prestación personal*, it is easy to see that on these two items alone the body and mass of the people have been relieved of a burden of taxation of ₱9,478,000, all of which loss has been recouped through the imposition of the land tax and internal-revenue taxes with the exception of ₱1,492,000 (\$746,000, gold), which represents clear gain to the people, taken as a whole. The taxes imposed prior to the change in sovereignty and those imposed since are clearly set out in the foregoing statement and may be verified by reference to the official records.

The Philippine islands to the number of 3,141 dot the waters of the China Sea and Pacific Ocean from 5° to 21° north latitude and from 117° to 126° east longitude. Their territory covers an area of 127,853 square miles and they have a population of 7,635,426, of which number 6,987,686 are civilized and 647,740 are uncivilized. The revenue of the Insular Government, excluding that of municipalities and provinces, is \$11,601,000, gold, or \$1.52, gold, for each inhabitant.

Cuba is a compact little place, not scattered over a sea of waters, and has an area of about 44,000 square miles. Her population is 1,572,845 and she enjoys a revenue of \$20,112,241, gold, or \$13.33, gold, for every inhabitant residing within her confines.

Porto Rico has an area of a thousand square miles less than that of the Island of Panay and a population of less than a million. Its revenues for insular purposes amounted, in the fiscal year 1903, to the sum of more than \$3,500,000, gold, or about \$3.70, gold, for each inhabitant.

Bulgaria has an area of about 37,000 square miles and a population of about 3,500,000. Its expenditures amount to about \$7,000,000, gold, or \$2 per inhabitant.

If Cuba spends \$13.33, Porto Rico \$3.70, and Bulgaria \$2 for the benefit of each inhabitant within its jurisdiction, it would seem that the Philippine

Government, considering the cost of maintaining order and of educating the people, has not been extravagant when it has spent only \$1.52 per inhabitant.

Other countries struggling for advancement and practically in the same condition as the Philippines might be selected for comparison. I refrain, however, from making further citations and leave to the Legislature the consideration of whether taxes should be further reduced, in view of all that must yet be done for the education and advancement of the people.

During the fiscal year 1907 there was a very decided increase in both the import and the export business of the Philippine Islands as compared with that of 1906. For the latter year the value of imports was \$25,799,290, gold, and that of exports reached the sum of \$31,918,542. The importations during the fiscal year 1907 amounted to the sum of \$29,606,140, gold, and the exports to the sum of \$33,721,517, gold. The value of imports for the year 1907 exceeded that of the year 1906 by the sum of \$3,800,850, gold, and the exports for the fiscal year 1907 exceeded those of 1906 to the amount of \$1,802,975, gold. The balance of trade for the fiscal year 1907 was in favor of the Islands to the extent of \$4,055,377, gold. The articles of import which largely increased during the past fiscal year were cotton, iron and steel (machinery), mineral oils, opium, and paper and manufactures thereof, as will appear from the following statement:

Article.	1906.	1907.
Cotton goods	\$6, 754, 369	\$8, 416, 246
Iron and steel (machinery)	1, 796, 653	2, 544, 992
Mineral oils	447, 176	816, 763
Opium	446, 464	513, 287
Paper, and manufactures thereof	410, 083	508, 704

There was a decrease in the importations of rice, malt liquors, and jewelry as follows:

Article.	1906.	1907.
Rice	\$4, 375, 500	\$3, 662, 493
Malt liquors	225, 482	141, 838
Jewelry	150, 884	40, 410

Though coupled with a loss of revenue the decrease in the importation of rice is highly gratifying and much more satisfactory than the sad condition which in 1903 obliged an importation of rice to the value of \$12,552,382, gold—a drain on the country which meant ruin if continued. Every dollar expended for imported rice has gone to Saigon and not a dollar of it has ever returned to the Islands. The great reduction in rice importation demonstrates to an absolute conclusion that the agricultural condition of the country is improving and that the rice which was imported in 1903 is now made up by local production to the extent of nearly \$9,000,000, gold.

The exports of the Philippine Islands, which have shown an increase during 1907 as compared with 1906, are as follows:

Article.	1906.	1907.
Hemp -----	\$19,446,769	\$21,085,081
Copra -----	4,048,115	4,053,193
Tobacco -----	2,389,890	3,129,194
Maguey -----	219,054	293,997

I regret to say that there was a material decrease in the export of sugar, which amounted to \$4,863,865 in 1906 and to only \$3,934,460 in 1907. The decrease in quantity was 5,418 tons. For this decrease the failure of Congress to pass favorable tariff legislation was largely responsible.

During the year 1894, the last year for which data are available, the exports from the Islands amounted to \$16,000,000. During the year 1907 the exports reached \$33,721,517—an increase of more than 110 per cent. Prior to the change of sovereignty the average export during the five years from 1891 to 1895 was \$19,532,000, while the average export for the five years 1902 to 1906 was \$30,439,000. Yet we are constantly confronted with the statement that the country is ruined and that very much more business was done in Spanish times than since the change of sovereignty. Even if the prospects of the future were dark and forbidding, which they are not, it is scarcely wise to announce to the buyers of the world that the producer is hard pressed and that almost any price will be accepted for his products. Men of prudence when in need of money, far from making a display of their rags and tatters, usually don their best “bib and tucker” and outwardly at least bear such an appearance of prosperity as not to prejudice the coveted loan.

The customs collections for the year 1907 were \$8,194,708.52 as compared with \$7,553,206.06 for the year 1906. Of the customs collections for the year 1907, \$185,494.86 accrued to the Moro Province as against \$159,429.84 for the year 1906. The total expenditures for customs collections during the year 1907 was \$461,111.45 as compared with \$491,081.68 for the year 1906.

The improper packing of abacá and the use of a coarse-edged knife in breaking it out, coupled with carelessness in caring for it after once “drawn,” have seriously affected the reputation of the fiber in foreign markets. This fact, together with its high price, has driven the foreign manufacturer to the expedient of substituting some other fiber, and in time a serious loss will result to the farmer and to the Islands unless steps are taken either by the farmer himself or the Legislature to compel proper packing and proper caring for the product.

The quality of the tobacco has also deteriorated, principally because the paternal rule which formerly obliged the proper cultivation, caring for, curing, and packing of the tobacco can no longer be enforced. Seed is not carefully selected for planting, no effort is made to produce the large fine leaf for wrapping, the tobacco is exposed to the sun until it is as dry as

biscuit, and when partly cured it is sold on "palitos" which have torn the leaf and completed the ruin which the sun began. After the tobacco reaches the factory, the tobacco manufacturer is forced to remedy, as far as remedy is possible, the negligence of the farmer and the cost of the labor so employed is deducted from the price paid for the product. The manufacturer of abacá, forgetting that to ruin the reputation of any article of commerce is to damage the producer, excuses his conduct by the statement that an inferior quality of abacá in greater quantities is worth more money to him than a less quantity of fine quality. This excuse, poor as it is, does not avail the tobacco farmer, whose negligence works a loss to himself, the manufacturer, and all concerned. Low prices now prevail for tobacco and low prices will soon prevail for abacá. It seems to the Executive that the Legislature should give most careful study to these questions and, if possible, furnish a remedy by appropriate legislation.

The Executive is sorry to say that to-day, owing to the negligence and indifference of municipal officials, the roads and highways of the Islands have fallen into such a disgraceful condition that in the rainy season they are better suited for boats than land transportation, and this would not be so bad if the roads were properly navigable. Exclusive of the Benguet road, the Insular Government has constructed some 500 miles of road, and expended for the purpose more than ₱3,000,000. And for what? To see the highways go to ruin through the indifference of the very people for whose benefit they were constructed. To enable municipalities to keep their roads in repair the Commission passed a road law, and, recognizing the autonomy of the local governments, made the law effective on its acceptance by the convention of municipal officers. It was not accepted and the Legislature is now confronted with the proposition of devising some means by which the roads and highways, so necessary for the benefit of agriculture and the advancement of trade, may be put in proper condition and new highways constructed. To build all the roads which are necessary for the development of the Philippine Islands and to put the existing highways into proper condition would cost somewhere in the neighborhood of \$65,000,000, gold. The Philippine Government probably has less income in proportion to population than any other Government on earth, and unless the people are willing to make some sacrifices for their own welfare and prosperity, the development of the resources of the Islands will be long delayed indeed. In one province during the last year the cost of transporting a picul of abacá a distance of 5 miles was ₱3, and this contribution to bad roads was paid willingly and without a murmur; the imposition, however, of a tax of the same amount for the purpose of securing good roads and a reduction of the cost of transportation by 75 per cent would have been considered by those most concerned as an intolerable act of tyranny and oppression.

As a counterbalance to this lack of public spirit, to this indifference to their own industrial and commercial welfare, it may be said with justice that the whole body of the Filipino people have made the greatest sacrifices for the cause of education and public instruction.

From Insular funds and the contributions of the people 24 high-school,

20 trade-school, and 2 intermediate-school buildings, all of strong materials, have been constructed. The Insular schools are housed in 13 buildings, and intermediate and secondary schools in 49 buildings. Three hundred and forty buildings of strong materials, 2,495 of mixed materials, and 493 of light materials furnish accommodations to the municipal schools. Nearly all of these buildings have been constructed since American occupation. There are now contemplated or in course of construction 25 primary schools, 3 intermediate schools, 5 schools of arts and trades, 7 provincial high schools, and 3 schools for fishery, pottery, and agriculture. The total enrollment of pupils in the schools is 479,978, and the average attendance is 269,006. The increase in primary, intermediate, agricultural, arts and trades, domestic science, and provincial high schools for 1907 as compared with 1906 is as follows:

Kind of school.	1906.	1907.
Primary schools	3, 108	3, 435
Intermediate	92	162
Schools of domestic science	8	17
Arts and trades	17	32
Agricultural schools	2	5
Provincial high schools	36	36

For the instruction of the 479,000 children only 840 American teachers and 5,200 Filipino teachers are available. The number of teachers employed is wholly inadequate to do full justice to the pupils seeking instruction. Moreover the schools are overcrowded and additional accommodations should be furnished. The appropriation for public schools has been largely increased for the current fiscal year, but is still insufficient to meet the constant demands for more teachers and more school buildings. The appropriations for education should be increased. But how? "There's the rub." Eight hundred thousand children are now barred from the public schools, and the problem of furnishing out of the meager revenues of the Government the modicum of instruction which is required by them for the modest needs of a modest life presents some difficulties. In the past large sums of money have been spent for the maintenance of peace in Cavite, Batangas, Samar, and Leyte, and, if the present satisfactory condition of public tranquillity continues, it is possible that the moneys which have been expended in suppressing disorder may be utilized for educational purposes.

The relations between the Philippines Constabulary and the officials and people of the provinces and municipalities I am glad to say are highly satisfactory. Constabulary officers and men have gained the confidence, trust, and good will of the people, and that alone has aided greatly in keeping crime and lawlessness in check without the necessity of employing extreme or extraordinary measures. In this connection I can not let the opportunity pass of paying a tribute to the governors of the various provinces, who have left no stone unturned to maintain order and to suppress crime within their respective jurisdictions.

Rinderpest, which has worked such destruction to the farming animals

of the country, was reduced at one time during the year to such limits that the entire suppression of this disease seemed in sight. Unfortunately, the importation of cattle from Saigon, China, and other points caused a reinfection, and during the last month cattle diseases, and especially rinderpest, have again assumed dangerous proportions. A quarantine law has been passed and a large appropriation has been made for the establishment of quarantine stations. It is hoped sincerely that the Legislature will lend its aid should further appropriations be required, and that the best influence of the members of the Assembly will be exerted to cultivate a public sentiment in favor of quarantine measures, without which any attempt to preserve the cattle of the Philippines will be utterly useless.

A largely increased appropriation for the Bureau of Posts has been made in order to establish a paid rural carrier service. It is expected that this extension of the service will remove many just grounds of complaint which resulted from the fact that, in the interests of economy, the distribution and transfer of the mails was confided to unpaid or poorly paid municipal officials, who took but little interest in the work. With the appropriations made the service will be bettered but not perfected. Perfection or anything approaching it can not be hoped for until larger sums of money are available for the distribution and prompt delivery of the mails.

The Executive is of the opinion that a more careful administration of municipal affairs is necessary and that steps should be taken to train and instruct subordinate municipal officials as to the proper method of keeping their records, books, and papers. In many of the municipalities the expenditures of public money have been unwise, not to say wasteful. In 88 municipalities out of 685 the entire revenue was expended for salaries and not a single cent was devoted to public betterments or improvements. Sixty-three municipalities spent on public works less than 1 per cent and 163 less than 10 per cent. Such a condition of affairs is to be deplored, and the Commission was obliged to pass a law within the last few months prohibiting municipalities from spending for salaries more than a fixed percentage of their revenues. Municipalities of the first class are allowed to spend 50 per cent of their revenues on salaries, municipalities of the second class 60 per cent, municipalities of the third class 65 per cent, and municipalities of the fourth class 75 per cent. A statement of the total percentage expended by the various municipalities for public improvements is appended to this message and marked "Exhibit A" for the information of the Philippine Legislature.¹

Provincial governments, as a rule, have been well administered, and the provincial boards are deserving of high commendation for the energy and interest which they have displayed in bettering conditions within their respective jurisdictions.

Railroad work in Luzon, Cebu, and Panay began about the beginning of the present calendar year. The following table will show the progress of the work:

¹ See pages 425-430.

Manila Railway Company.

Dagupan-San Fernando, Union Line:	Kilometers.
Earthwork completed for	12.5
Track laid for	12.5
Partly ballasted for	12.5
Work begun on station buildings.	
San Fabian-Camp One Line:	
Grading completed for	15
Track completed for	13
Partly ballasted for	10
Dau-San Pedro-Magalang Line:	
Grading completed for	9
Track completed for	7
Partly ballasted for	5
Paniqui-Tayug Line:	
Grading begun.	
San Fernando-Florida Blanca Line:	
Grading completed	24.52
Track laid for	10
Partly ballasted for	10
Work begun on station buildings.	
Mariquina-Montalban Line:	
All work completed and line in operation April 17, 1907	12.87
Belt Line, Manila:	
Grading completed for	9
Track laid for	3
Partly ballasted for	3
Manila-Batangas Line:	
Grading completed for	50
Track laid for	5
Antipolo Line, beyond Taytay:	
Grading completed for	4
Track completed for	3
Cavite Short Line:	
Grading completed for	25
Rails laid for	9
Partly ballasted for	9

Tarlac Tramway Company.

Paniqui-Camiling Tramway:	
Grading and track laying completed	20
Line not in operation on account of being washed out by Tarlac River.	

Philippine Railway Company.

On Cebu:	Kilometers.
Grading completed from Danao to near Carcar	65
Track laid from Danao to about 13 kilometers south of Cebu	44.6
Grading is partly completed from Carcar to Argao, a distance of..	32
Storehouse and oil house at Cebu are partly completed.	
Work begun on Cebu station building.	
Work is progressing on part of station buildings north of Cebu.	
On Panay:	
Grading completed for	35
Rails laid for	11
Partly ballasted for	6.5
No work done except on temporary buildings.	
On Negros:	
Nothing done.	

With the exception of the dam it is expected that the construction of the Manila waterworks will be completed about the 1st of July of the coming year. In all probability the completion of the dam will be delayed until the next dry season, but it is hoped that construction work thereon will have so far progressed that water can be supplied from the new system by July 1, 1908.

The sewer system will not be fully completed until December 1, 1908, at which time the pumping stations will be ready for operation.

It is pleasing to note that during the fiscal year 1907 there was a marked increase in the applications for homesteads, free patents, and sales and leases of public lands. This indicates that the people have been finally aroused to the necessity of acquiring a title to their holdings and of securing from the public domain homes of which they will be the lords and masters. There have been 10,607 applications for free patents, of which number 870 have been surveyed. Seven thousand one hundred are pending survey and 2,637 are under consideration. Three thousand nine hundred and sixty-seven applications have been filed for homesteads and 968 allowed. Two thousand nine hundred and ninety-nine are held for further consideration. One hundred and eighty-seven applications have been made for the purchase of public lands, of which number 19 sales have been accomplished and the balance are pending consideration or otherwise disposed of. Forty-two applications for lease have been filed, 22 of which are now under survey, 1 is accomplished, and the rest are awaiting consideration.

The total area of the friar lands is 158,677 hectares, 65.8 per cent of which has been surveyed.

The total rentals contracted for the friar-lands estates is the sum of ₱247,555.12. As yet no sales have been made to tenants, principally because the work of subdividing the estates and making proper surveys thereof has not yet been completed.

On the 1st day of July, 1907, there was in the Insular Treasury available for appropriation ₱6,708,486.19

From which sum, however, should be deducted liabilities existing June 30, 1907, and not provided for by appropriation, as follows, to wit:

Sinking fund, public works bonds, Act 1729	₱404,204.13
Reimbursement to friar-lands bonds funds, Act 1749	696,184.31
	<hr/>
	1,100,388.44

Net balance available for appropriation July 1, 1907 5,608,097.75

During the current fiscal year the following is a conservative estimate of the revenues and receipts which may be expected to accrue to the Insular Treasury:

Customs revenue	₱15,000,000.00
Internal revenue	5,500,000.00
Miscellaneous	800,000.00
Reversion from lapsed appropriations....	600,000.00

Total estimated revenue and reversion 21,900,000.00

The total available for appropriation from the Insular Treasury for the fiscal year 1908 on the basis of the net balance actually in the Treasury, and the estimated receipts, was on the 1st of July, 1907, the sum of..... 27,508,097.75

From this sum the following appropriations have been made:

Interest, public-works bonds, Act 1729..	₱282,500.00
Sinking fund, public-works bonds, Act 1729	142,848.44
Sinking fund, friar-lands bonds, Act 1749	140,000.00
Interest, friar-lands bonds (estimated amount payable from general funds), Act 1749	350,000.00
Annuities to the Sultan of Jolo et al....	15,200.00
Subsidies to steamship companies, Act 1715	230,000.00
Liability on account of railway guaranty, Act 1730	270,000.00
Liability on account of agricultural bank, Act 1730	
Insurance fund, Act 1728	250,000.00
Current expenses, Insular Government, Act 1679	17,495,980.00

From this sum the following appropriations have been made—Continued.

Aid to subprovinces of Apayao and Kalinga, Act 1642	₱1,000.00
Reimbursement to provinces on account of suspension of the land tax, Act 1686	700,000.00
Public works, Insular Government, Act 1688	3,502,655.00
Aid to Province of Agusan, Act 1693 (estimated)	25,000.00
30 per cent current expenses, city of Manila, Act 1706	1,000,000.00
30 per cent public works, city of Manila	85,000.00
30 per cent sinking fund, city of Manila sewer and waterworks bonds	59,622.00
Refund to city of Manila on account expenses Pasig River walls, Act 1750..	207,000.00
Agricultural loans, friar-lands haciendas, Act 1736	100,000.00
Fidelity-bond fund, Act 1739	40,000.00
Reimbursement to provinces on account of court fees, Act 1764	75,000.00
Bounties to tobacco growers, Act 1767....	13,250.00
Sundry current expenses Insular Government, Act 1785	197,700.00
Provincial roads and bridges, Act 1783..	200,000.00
Reserve for contingencies.....	2,125,342.31

Available for appropriation ₱27,508,097.75

In conclusion, the Executive, on his own behalf and for and on behalf of the Philippine Commission as its President, tenders to the Philippine Assembly, and through them to the people of the Philippines, most heartfelt congratulations on the formal opening and permanent organization of the body which from now henceforth is to share with the Philippine Commission the responsibility for the laws which are to govern the Philippine Islands. From this day participation by the Filipino people in every department of the Philippine Government begins. Three Filipinos of eminence, renown, learning, and ability are now justices of the Supreme Court, headed by the distinguished juriconsult, Don Cayetano Arellano. Out of 21 judges of the Court of First Instance 10 are Filipinos. The Court of Land Registration is represented by 1 Filipino and 1 American. The Chief of the Bureau of Justice is a Filipino, who is assisted by 5 Filipinos and 5 Americans. All the fiscals of the various provinces are Filipinos. In the executive branches of the Government the offices of responsibility and trust held by those born of the soil are too numerous to mention. On the

Philippine Commission three well-known, able, and distinguished Filipinos, appointed by the President of the United States and confirmed by the Senate, have rendered notable service to the legislative department of the Government. To-day 80 Assemblymen, elected by popular vote at the general elections held on the 30th day of July of this year, assume their part in the affairs of government, and upon them now devolves a stewardship of which a rigid accounting will be exacted by history, by their own people, and by other peoples struggling to take their part in the onward march of civilization. The service rendered by Filipino officials, whatever their office and wherever employed, has been of the most pronounced benefit and advantage to the land of their birth. That which is to be rendered and will be rendered by the Philippine Assembly can not be measured. On the Philippine Assembly more than on any other branch of the Philippine Government depends the future of the Philippine Islands, and on the energy, the earnestness, the devotion to duty, the self-sacrifice, the unselfishness, and, above all things, the entire conservatism and sane judgment of its members depends the realization of the hopes and the ideals of the Filipino people. If this Assembly fails of its purpose, the peoples who have looked to it to demonstrate their capacity to legislate wisely and well will have just reason to regret that the high privilege of participating in the making of the laws to govern them was ever conceded. If, on the other hand, success attends it and, all the circumstances considered, the product of its labors compares not unfavorably with that of other legislative bodies, no names will shine brighter on the pages of Philippine history than those of the members of the first Philippine Assembly.

JAMES F. SMITH,

Governor-General of the Philippine Islands.

(For exhibit to message see pages 425-430.)

The message of the Executive having been read and submitted for the consideration of the Legislature, the Presiding Officer stated that the joint session would be dissolved if there was no objection on the part of any of the members of the Legislature, in order that both Houses might be permitted to resume, separately, the consideration of public business.

There being no objection, the joint session was thereupon dissolved, the hour being 4 o'clock and 40 minutes postmeridian.

JAMES F. SMITH,

President of the Philippine Commission.

SERGIO OSMEÑA,

Speaker of the Philippine Assembly.

Attest:

WM. H. DONOVAN,

Secretary of the Philippine Commission.

JULIAN GERONA,

Recorder of the Philippine Assembly.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, OCTOBER 18, 1907.

The Commission met on the call of the President at 10 o'clock and 30 minutes antemeridian.

Present: Commissioners Worcester, Tavera, Legarda, Luzuriaga, Forbes, Shuster, and the President.

Absent: None.

APPROVAL OF JOURNAL.

The Journal of Thursday, October 17, was read and approved.

RESOLUTIONS.

On motion, it was

C. R. No. 3. *Resolved*, That hereafter the Commission meet in accordance with Executive Order No. 19, series of 1907, or at the call of the President: *Provided*, That whenever the Commission shall adjourn to meet at the call of the President it shall be so stated in the Journal.

On motion, it was

C. R. No. 4. *Resolved*, That the Secretary of the Commission, under and by direction of the Executive Secretary, be, and he is hereby, authorized to have printed such blanks as he may deem necessary to enable him as Secretary of the Commission to conduct properly and expeditiously the business of the Commission with the Assembly.

The President presented a communication from First Lieutenant Willing, Corps of Engineers, United States Army, dated August 8, 1907, stating that the Island of Tagutu, Moro Province, set aside for light-house purposes by Executive Order No. 22, series of 1905, is no longer needed, a light having been placed on Mataja Island, which communication raised certain questions with respect to the

authority of the Governor-General to make reservations from the public domain.

On motion, it was

C. R. No. 5. *Resolved*, That the papers be returned to the Governor-General, at his verbal request, for further consideration and conference with the Attorney-General.

Ordered, That the Secretary return the papers to the Governor-General in accordance with this resolution.

The President introduced the following resolution:

C. R. No. 6. Whereas, in accordance with the direction of the Commission, the Recorder, under date of August nineteenth, nineteen hundred and seven, requested Governor Dancel, of Rizal Province, to appear before the Commission for the purpose of discussing the proposed transfer to the Manila Suburban Railway Company of a certain piece of property granted to the Province of Rizal by the Insular Government; and

Whereas the Recorder has received no reply to his communication, due, no doubt, to the fact that there has been a change of provincial governors in the Province of Rizal since the same was written: Now, therefore, be it

Resolved, That the Secretary be, and he is hereby, directed to request the present governor of the Province of Rizal to appear before the Commission in Committee of the Whole to discuss the question of the proposed transfer.

The resolution was adopted.

The President introduced the following resolution:

C. R. No. 7. Whereas the President has presented a communication from Arthur Williams, acting adjutant-general, Philippines Division, United States Army, forwarding a letter written by Henry M. Morrow, major, judge advocate, United States Army, submitting a draft of a proposed Act to punish unlawful acquirement of public property used by the Army or Navy of the United States and to provide for the summary seizure of the same; and

Whereas the Commission has read the said correspondence and noted the form of the proposed Act: Now, therefore, be it

Resolved, That in the opinion of the Commission the enactment of the proposed law as submitted would expose innocent persons to arrest for having in their possession arms, accouterments, and other property used by the Army or Navy of the United States acquired by them in good faith; that under section one it appears that any person directly or indirectly obtaining property employed in the military or naval service of the United States from any officer, soldier, sailor, marine, or other person not having a lawful right to dispose of the same is punishable by imprisonment at hard labor for not more than one year or by a fine of not more than one thousand pesos, or both; that the legal effect of this section

would be to expose to arrest and imprisonment a citizen purchasing property from an officer apparently clothed with authority to make the sale; that under section two a citizen purchasing condemned property in a sale regularly made would be constantly exposed to the danger of arrest, and moreover such a citizen would be constantly exposed to the annoyance of having the property taken from him under the provisions of section three, by any peace officer, or military, naval, or marine officer, without the formality of any judicial proceeding; that an enlisted man disposing of any part of his uniform by sale or transfer could not be punished under our general laws for theft, as the property belongs to him, and the consequence would be that the citizen purchasing such property would have no remedy before the criminal courts for the injustice perpetrated upon him as the result of such sale or transfer; and that therefore under all the circumstances of the case the Commission is of the opinion that the proposed law should not pass in its present form.

The resolution was adopted.

The President introduced the following resolution:

C. R. No. 8. *Resolved*, That the Secretary be, and he is hereby, directed to inform the Municipal Board, the Bureau of Internal Revenue, and Lieutenant Van Schaick of the Philippines Constabulary, that the Commission, in Committee of the Whole, will be pleased to discuss with them on Tuesday, October twenty-second, at eight o'clock antemeridian, the question of the advisability of the passage of a bill extending the provisions of Act Numbered Eleven hundred and forty-seven, regulating the registration, branding, conveyance, and slaughter of large cattle, to the city of Manila, providing a penalty for registering branded cattle after March thirty-first, nineteen hundred and eight, and providing for the surrender of certificates of ownership of dead cattle, et cetera.

The resolution was adopted.

The President introduced the following joint resolution:

C. J. R. No. 1. Joint resolution declining to join in the application made to Congress by the legislature of the State of Wisconsin to call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people.

Whereas the Governor-General has presented a communication from the secretary of state of the State of Wisconsin, dated July tenth, nineteen hundred and seven, inclosing a duly authenticated copy of Joint Resolution No. 28 S., memorializing Congress to call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Whereas the Philippine Islands are not entitled to representation in the United States Senate: Now, therefore, be it

Resolved by the Philippine Commission and the Philippine Assembly,
That it is deemed inadvisable for the Philippine Legislature to take any action in the matter.

By unanimous consent the resolution was read once and put upon its passage. The roll was called and Commission Joint Resolution No. 1 was formally adopted by unanimous vote, the title was agreed to and the Secretary was directed to request the concurrence of the Assembly in the resolution.

MISCELLANEOUS COMMUNICATIONS REFERRED.

Commissioner Tavera presented a petition dated July 24, 1907, signed by Miguel Trias and three other councilors of the municipality of Rosario, Province of Cavite, for the segregation of Rosario from the municipality of Noveleta and the constitution of Rosario as an independent municipality.

On motion,

Returned to Commissioner Tavera, inviting attention to Act No. 1748 and suggesting that he take the matter up with the Governor-General.

The President presented a communication from M. F. Loewenstein, recommending that a law be passed whereby foreign ships may secure stores from bonded warehouses without payment of duty, and stating that he understood that it was the intention of the Government to have a free zone within the port of Manila and that this would be the first step in that direction.

On motion,

Referred to Commissioner Shuster for report and recommendation.

Commissioner Forbes presented a claim by Frank R. Button, dated September 20, 1907, for the sum of ₱2,550 for the hire of seventeen teams from July 30, 1904, to and including August 13, 1904, fifteen days, at the rate of ₱10 each day, while proceeding from Manila to Pagbilao under provisional contract to work on the Pagbilao-Atimonan road.

On motion of the President,

Referred to Commissioner Forbes, with the suggestion that he take the question up with the Committee on Appropriations at the time of the consideration of appropriations for the next fiscal year.

REPORT OF SELECT COMMITTEE.

The following report of select committee was submitted:

[Committee Report No. 1.]

Report of special committee.

OCTOBER 18, 1907.

Mr. PRESIDENT: Your special committee of three appointed to confer with a similar committee of the Philippine Assembly on the subject of resolutions to be sent to the President of the United States, and, through him, to the Congress and people of the United States, expressing the appreciation of the people of the Philippine Islands for the mark of confidence and trust reposed in them by the sovereign power in authorizing the organization of the Philippine Assembly, have the honor to report that the committee met the committee of the Assembly as directed and that they agreed upon certain resolutions, to be submitted first to the Assembly, and, if adopted by that body, then to the Commission for their consideration.

W. CAMERON FORBES.

W. MORGAN SHUSTER.

B. LEGARDA.

To the Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered filed.

INTRODUCTION OF BILL.

The President presented for consideration without recommendation a bill entitled as follows:

C. B. No. 1. An Act to extend the provisions of Act Numbered Fifty-nine, entitled "An Act regulating the sale of intoxicating liquors within the city of Manila and its attached barrios," as amended by Act Numbered Ninety-five, to the municipalities within the two and one-half mile police jurisdiction zone surrounding the city of Manila.

By unanimous consent the bill was read the first and second times and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission, with the recommendation that the enacting clause be stricken out and that the bill do not pass.

It was moved and seconded that the report of the Committee of the Whole be agreed to.

The motion prevailed.

ADJOURNMENT.

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

SATURDAY, OCTOBER 19, 1907.

The Commission met on the call of the President at 12 o'clock meridian.

Present: Commissioners Worcester, Távera, Legarda, Luzuriaga, Forbes, Shuster, and the President.

Absent: None.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Philippine Assembly:

MR. PRESIDENT: I have the honor to forward herewith Assembly Joint Resolution No. 1 conveying to the President of the United States and through him to the Congress and the people of the United States the gratitude of the people of the Philippine Islands for the signal concession made to them of participating directly in the making of the laws which shall govern them, and to inform you that the said resolution was adopted by the Philippine Assembly on the 19th day of October, 1907, in which the Assembly respectfully request the concurrence of the Philippine Commission.

Very respectfully,

JULIAN GERONA, *Recorder, Philippine Assembly.*

The Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

The following is the joint resolution referred to:

- A. J. R. No. 1. Conveying to the President of the United States and through him to the Congress and the people of the United States the gratitude of the people of the Philippine Islands and the Philippine Assembly and their high appreciation of the privilege conceded to them of participating directly in the making of the laws which shall govern them.

Whereas on the sixteenth day of October, nineteen hundred and seven, at nine o'clock antemeridian, the members of the Philippine Commission

and the members-elect of the Philippine Assembly met in the city of Manila; and

Whereas the honorable the Secretary of War, representing the President of the United States, formally and regularly declared the Philippine Assembly and the Philippine Legislature open for the transaction of such business as might come before said Assembly and said Legislature; and

Whereas on said date said Assembly was duly and regularly organized, and on the seventeenth day of October, nineteen hundred and seven, at eleven o'clock and thirty minutes antemeridian the fact of such organization was duly and regularly announced to the honorable the Governor-General and the Philippine Commission; and

Whereas the creation of the Philippine Assembly composed of members elected by popular vote and the constitution of the Philippine Legislature, comprising the Philippine Commission and the Philippine Assembly, mark an epoch in the history of the Philippine Islands and of the peoples thereof; and

Whereas the people of the Philippine Islands fully recognize in the action taken by the Government of the United States in creating the said Assembly a proof of its confidence in said people as well as a continuation of the democratic traditions of the United States, and a clear demonstration of its liberal intentions with respect to the people of the Philippine Islands: Now, therefore, be it

Resolved by the Philippine Commission and the Philippine Assembly, That on their own behalf and on behalf of the people of the Philippine Islands they convey, and they do hereby convey, to the President of the United States, and through him to the Congress and the people of the United States, their profound sentiments of gratitude and high appreciation of the signal concession made to the people of the Islands of participating directly in the making of the laws which shall govern them.

By unanimous consent the joint resolution was read once and put upon its passage.

The roll was called and Assembly Joint Resolution No. 1 was finally adopted by unanimous vote.

Ordered, That the Secretary is directed to have Assembly Joint Resolution No. 1 prepared for the signatures of the President and Secretary of the Commission and the President and Recorder of the Assembly and to deliver an enrolled and signed copy thereof to the Governor-General for forwarding to the President of the United States.

ADJOURNMENT.

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

TUESDAY, OCTOBER 22, 1907.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Worcester, Tavera, Legarda, Luzuriaga, Forbes, Shuster, and the President.

Absent: None.

INTRODUCTION OF BILL.

Commissioner Luzuriaga presented for consideration a bill entitled as follows:

C. B. No. 2. An Act to amend Act Numbered Eleven hundred and forty-seven, regulating the registration, branding, conveyance, and slaughter of large cattle, by extending its provisions to the city of Manila, by providing a penalty for registering branded cattle after March thirty-first, nineteen hundred and eight, by providing for the surrender of certificates of ownership of dead cattle, et cetera, and to amend section two of Act Numbered Fourteen hundred and sixty-five.

By unanimous consent, the bill was read the first and second times and referred to the Committee of the Whole.

It was considered in Committee of the Whole and reported to the Commission with amendments.

On motion of the President, it was

C. R. No. 9. *Resolved*, That a committee of three be appointed by the Governor-General for the purpose of reconsidering the provisions of the proposed Act in connection with Act Numbered Eleven hundred and forty-seven, and drafting a complete and comprehensive measure, covering all provisions of cattle registration, branding, conveyance, and slaughter, to take the place of Act Numbered Eleven hundred and forty-seven, and to submit the bill to the Commission at an early date for consideration.

The President, as Governor-General, thereupon announced the appointment of the following officials to constitute the committee:

Commissioner Luzuriaga, Felix M. Roxas, president of the Municipal Board of Manila, and Major Rafael Crame, Bureau of Constabulary.

ACCOUNTS OF PHILIPPINE RAILWAY COMPANY.

At the hour of 11 o'clock antemeridian the honorable the Secretary of War and General Clarence R. Edwards, Chief of the Bureau of Insular Affairs, entered the Session Chamber, and were shortly followed by Messrs. Clarence Lewis, William B. Poland, Alexander Strausz, and Thomas Colston Kinney, representatives of the Philippine Railway Company; E. J. Beard, chief engineer of the J. G. White Company, the railway constructing engineers; L. F. Goodale, Supervising Railway Expert, and William H. Clarke, Acting Insular Auditor.

On motion of the President, it was

Resolved, That the Commission do now go into Committee of the Whole for the purpose of discussing before the Secretary of War, in accordance with the understanding had with the railway people on July third, nineteen hundred and seven, certain items in the accounts of the Philippine Railway Company suspended by the Insular Auditor.

The committee rose at 12 o'clock and 30 minutes postmeridian, and reported to the Commission without resolution.¹

ADJOURNMENT.

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

¹ A record of the discussion will be found in the Commission's record of railway discussions.—*Secretary*.

First Philippine Legislature.

Inaugural Session. .

JOURNAL OF THE COMMISSION.

WEDNESDAY, OCTOBER 23, 1907.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Worcester, Tavera, Legarda, Luzuriaga, Forbes, Shuster, and the President.

Absent: None.

RESOLUTIONS.

The following resolution was introduced by the President:

C. R. No. 10. *Resolved*, That the following be, and the same are hereby, temporarily constituted as standing committees of the Philippine Commission, to which, unless otherwise ordered by the Commission, all matters shall be referred, as follows:

1. Those pertaining to Bureaus under the executive control of the Governor-General, to the President of the Commission.

2. Those pertaining to the Department of the Interior, to the Commissioner acting as Secretary of the Interior.

3. Those pertaining to the Department of Commerce and Police, to the Commissioner acting as Secretary of Commerce and Police.

4. Those pertaining to the Department of Finance and Justice, to the Commissioner acting as Secretary of Finance and Justice.

5. Those pertaining to the Department of Public Instruction, to the Commissioner acting as Secretary of Public Instruction.

6. Those matters touching upon appropriations and for which appropriations will be required, to a Committee on Appropriations to be composed of three members appointed by the President of the Commission: *Provided, however*, That should there be established a joint committee of both branches of the Philippine Legislature for the consideration, among other things, of appropriations, reference of all such matters shall be had to such joint committee.

7. Those matters relating to rules, to a committee of three to be appointed by the President of the Commission.

8. Those matters relating to municipal and provincial governments, to a committee of three to be appointed by the President of the Commission.

9. Those matters relating to taxation and revenue, to a committee of three to be appointed by the President of the Commission.

10. Those matters relating to non-Christian tribes, to a committee of three to be appointed by the President of the Commission.

And resolved further, That a copy of the foregoing resolution be sent by the Secretary to the Committee on Rules therein established for report and recommendation as to the permanent standing committees which should be established by the Commission and the members who should compose them.

The resolution was unanimously adopted.

The President then announced the following appointments to the five last named committees:

Committee on Appropriations.—The Commissioner acting as Secretary of Finance and Justice (chairman), Commissioner Tavera, Commissioner Luzuriaga.

Committee on Rules.—Commissioner Shuster (chairman), Commissioner Tavera, Commissioner Forbes.

Committee on Municipal and Provincial Governments.—Commissioner Tavera (chairman), Commissioner Legarda, Commissioner Luzuriaga.

Committee on Taxation and Revenue.—Commissioner Luzuriaga (chairman), Commissioner Tavera, Commissioner Legarda.

Committee on Non-Christian Tribes.—Commissioner Worcester (chairman), Commissioner Tavera, Commissioner Luzuriaga.

The following resolutions were introduced by the President:

C. R. No. 11. Whereas the Municipal Board of Manila request permission to present for decision by the proper judicial tribunal the question of ownership of certain land included within the premises of Bilibid Prison by the relocation of the outer gate; and

Whereas the Attorney-General has given an opinion that the Insular Government had an absolute title to the street leading to Bilibid Prison, on which the gate in question is located, and that neither the city of Manila, the general public, nor any individual had acquired any right, title, or easement in any manner thereto; and

Whereas in view of the above opinion and the fact that any litigation would only result in loss both to the city and to the Insular Government: Now, therefore, be it

Resolved, That permission be not granted to the city of Manila to commence suit for the recovery of the property in question.

The resolution was unanimously adopted.

C. R. No. 12. Whereas there has been presented to the Commission a communication from D. R. Williams, formerly in the service of the Govern-

ment, discussing his right to transportation to the United States at the expense of the Government; and

Whereas applications for the said transportation were passed upon by the Commission on May nineteenth, nineteen hundred and five, and on April seventeenth, nineteen hundred and six, and denied; and

Whereas the Commission sees no reason for reopening the question: Now, therefore, be it

Resolved, That Mr. Williams be informed by the Secretary that the Commission declines to reconsider his application at this time.

The resolution was adopted.

C. R. No. 13. Whereas there has been filed, through the president of Borongan, Samar, a number of claims, aggregating fifty-five pesos and seventy-five centavos, for damages alleged to have been sustained by reason of the destruction of some banana trees and plants by a detachment of the Signal Corps, United States Army, while engaged in inspecting the telephone line running from Oras to Borongan; and

Whereas it appears that the damage was done by the Signal Corps along the private line of the Tabacalera Company, which in error was taken for the military telephone line; that the claims have been presented to the military authorities, who state that there is no appropriation from which they may be paid and suggest that the claims be considered by the Insular Government with a view of payment from public civil funds; and that the Auditor states that if it is decided that the claims are meritorious they may be paid from funds appropriated by Act Numbered Fifteen hundred and twenty-seven for the Bureau of Posts under the head of "Signal service, appropriation from military line receipts." Now, therefore, be it

Resolved, That the communication of the president of Borongan, Samar, and all papers in connection therewith be referred to the Secretary of Commerce and Police, with a statement that in the opinion of the Commission the claims mentioned therein are meritorious and should be paid, and as this appears to be an administrative matter, recommending that he direct their payment from funds appropriated for the Bureau of Posts under the head of "Signal service, appropriation from military line receipts."

The resolution was adopted.

MISCELLANEOUS COMMUNICATIONS.

The President presented the following petitions:

A petition from Calixto Rollo, who has been receiving an allowance from the Insular Government on account of injuries inflicted upon him in Cavite while he was aiding the Government as a volunteer, praying that the unpaid balance of the sum of ₱400 apportioned to him by resolution of the Commission of July 3, 1906, be paid to him in a lump sum instead of at the rate of ₱5

monthly as provided in said resolution. The granting of the petition is recommended by the provincial governor of Cavite, the Director of Constabulary, and the Governor-General.

On motion,

Referred to the Committee on Appropriations, with instructions to incorporate in the next appropriation bill such provision as may be necessary to permit the payment of the entire balance to Mr. Rollo.

A petition signed by Pedro L. Valdez, clerk of the Court of First Instance of Ilocos Norte, praying that the salaries of clerks of courts be increased.

It was moved and seconded that consideration of this question be indefinitely postponed.

The motion prevailed.

A petition from Buenaventura Toribio, formerly president of the provincial board of health of the Province of Isabela, praying that he be allowed accrued leave corresponding to the period of his service, which was terminated on June 30, 1906, by reason of the abolition of the office of president of provincial board of health, and submitting an affidavit to the effect that he refrained from the private practice of his profession, devoted his time exclusively to his official duties, and complied strictly with the requirements of law regarding the observance of office hours.

On motion,

Resolved, That the papers be referred to the Committee on Matters Pertaining to the Department of the Interior, for such report and recommendation as the committee may desire to make to the Commission in the case, stating for the information of the committee that this seems to be an administrative matter which should be determined by the Bureau of Civil Service and the Secretary of the Interior on the basis of laws and rules now in force, and if on the basis of such laws and rules it is the decision of the administrative officials that leave can not be granted, the applicant should be so informed, and that he can only get relief through special legislative enactment.

A petition from William W. Barre, formerly Insular Auditor, dated July 15, 1907, praying that he be authorized to draw the full salary attached to the office of Auditor from October 15, 1906, the date on which his predecessor left the Philippine Islands on leave, to March 9, 1907, he having been Acting Insular Auditor during

said period and up to March 22, 1907, on which date he was regularly appointed to fill the vacancy caused by the resignation of A. L. Lawshe.

On motion made and seconded,

The consideration of the question was ordered indefinitely postponed.

Commissioner Forbes presented the following petition:

A petition from John M. Flemister praying for permission to install a kiosk in the lobby of the post-office, in the Fortin Building.

On motion,

Returned to Commissioner Forbes, Committee on Matters Pertaining to the Department of Commerce and Police, with the recommendation that the petition be denied by him as Secretary of Commerce and Police, this appearing to be a subject which may be dealt with administratively.

Commissioner Shuster presented correspondence relating to the construction by the provincial authorities of a dormitory for the provincial high school at Malolos, Bulacan, without first having invited bids by advertising in accordance with law, which correspondence contained a request for the approval of such construction by the Commission in order to raise the suspension by the Insular Auditor in the accounts of the provincial treasurer of said province.

It appeared that this question was considered by the Commission on December 13, 1906, at which time it was directed that the papers be returned to the provincial board of Bulacan for a statement as to whether the building is constructed of durable materials, in accordance with the instructions of the Director of Education regarding the construction of school buildings. It was shown that the building in question was built of pine and suale, but that the said instructions of the Director of Education were applicable only to school buildings constructed in whole or in part from funds appropriated in Acts Nos. 1275 and 1580. It was also pointed out by the provincial authorities that the dormitory was constructed entirely from provincial funds, and that the point really at issue was the question of the authority of the province to build the same without advertising for bids in accordance with section 5 of Act No. 1401.

Ordered, That the papers be referred to the Committee on Matters

Pertaining to the Department of Commerce and Police, for the preparation and submission to the Commission of such report and bill as to the committee may seem proper.

Commissioner Shuster also presented the following communications:

A communication from the Director of Education requesting that the building now used by the Bureau of Customs at Aparri, which belongs to the Insular Government, be turned over to the Province of Cagayan for school purposes, the provincial board of Cagayan having expressed its willingness to provide for the necessary repairs and alterations to make the building suitable for a school, the cost of which is estimated at ₱3,000.

On motion,

Referred to Commissioner Shuster, Committee on Matters Pertaining to the Department of Public Instruction, suggesting that as Secretary of Public Instruction he take this matter up administratively with the Governor-General and the Acting Secretary of Finance and Justice, or as a committee prepare such bill or concurrent resolution for submission to the Commission as may be necessary to accomplish the purpose desired.

A communication with reference to authorizing the Governor-General to execute and deliver to the Province of Cebu a grant of a certain described parcel of land, comprising about 10 hectares, situate in the barrio of Cogon, municipality of Cebu, to be used as a school center.

On motion,

Returned to Commissioner Shuster, Committee on Matters Pertaining to the Department of Public Instruction, for the preparation and submission to the Commission of such bill or concurrent resolution as may be necessary to accomplish the purpose desired.

MORO PROVINCE.

The President presented a communication from Haussermann, Cohn & Williams, attorneys at law, requesting the extension to the Moro Province of the provisions of subsection 6, section 54, of the Public Land Act.

On motion,

Referred to the Committee on Non-Christian Tribes for report and recommendation and, if the recommendation is favorable, for draft of such bill as may be necessary to accomplish the purpose desired.

PHILIPPINE RAILWAY COMPANY.

At 11 o'clock antemeridian,

On motion of the President,

The Commission resolved itself into Committee of the Whole for the purpose of discussing further the question of the suspensions by the Insular Auditor of certain items in the accounts of the Philippine Railway Company.

After some time spent therein, the committee rose and reported to the Commission without resolution.

ADJOURNMENT.

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, NOVEMBER 15, 1907.

The Commission met on the call of the President at 8 o'clock and 30 minutes antemeridian.

Present: Commissioners Worcester, Tavera, Legarda, Luzuriaga, Forbes, Shuster, and the President.

Absent: None.

READING OF JOURNALS.

The Journals of October 16, 18, 19, 22, and 23 were ordered read.

During the reading of the Journal of Wednesday, October 16, the further reading was dispensed with, on motion by Commissioner Shuster.

The Journals of Friday, October 18, Saturday, October 19, and Tuesday, October 22, were read and approved.

The Journal of Wednesday, October 23, was read, corrected, and approved.

MESSAGE FROM THE GOVERNOR-GENERAL.

MANILA, *October 24, 1907.*

GENTLEMEN: I have the honor to herewith transmit to you for your information the following cablegram received from the President:

“WASHINGTON, *October 23, 1907.*

“SMITH, *Manila:*

“TO THE PHILIPPINE ASSEMBLY.

“I have received the joint resolution originating in the Philippine Assembly and passed both by it and by the Philippine Commission. I have to thank you for the same. I am deeply gratified at its receipt and

earnestly wish you all success in the task upon which you are entering. The future of the Filipino people depends in a great measure on your good judgment, restraint, and capacity to subordinate all personal interests and differences to the interests of your country as a whole. I not only hope but believe that you will be found ever true to the honorable responsibility which has become yours.

"THEODORE ROOSEVELT."

Very respectfully,

JAMES F. SMITH, *Governor-General.*

To the PHILIPPINE COMMISSION, *Manila.*

Ordered, That the message be spread upon the minutes.

MESSAGE FROM THE ASSEMBLY.

NOVEMBER 4, 1907.

MR. PRESIDENT: Referring to Commission Joint Resolution No. 1, forwarded to the Assembly by the Secretary of the Commission, requesting the concurrence of the Assembly, I have the honor to advise you that same has been referred to the Committee on Metropolitan Relations.

Very respectfully,

NICOLAS JALANDONI, *Secretary pro tempore.*

The Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered filed.

RESOLUTION.

The following resolution was introduced by Commissioner Worcester:

C. R. No. 14. Whereas a new survey has been made of the lots which have not been sold in residence section A, Baguio townsite subdivision, for the reason that a new road has been located in the vicinity thereof since the original survey; and

Whereas the claim of Mateo Cariño including a portion of said lots has been denied by the Supreme Court of the Philippine Islands; and

Whereas said new survey gives better road and lot locations than the survey of these lots as approved by the Commission, May fifteenth, nineteen hundred and six; and

Whereas a survey of residence lots has been made in section F in said subdivision by the Bureau of Lands in coöperation with the Consulting Architect to the Commission; and

Whereas a survey has been made, under the direction of the Director of Lands and approved, of land in residence sections D and F which is desirable for a public park: Now, therefore, be it

Resolved, That the survey and plan approved July thirteenth, nineteen hundred and seven, by the Director of Lands, of lots fifty-four, fifty-six, fifty-eight, sixty, sixty-two, sixty-four, sixty-five, sixty-six, sixty-seven,

sixty-eight, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, eighty, eighty-one, and eighty-two, residence section A, referred to above, and lots one to twenty-five, inclusive, and lot twenty-seven and Baguio Park Numbered One, residence section F, be, and the same are hereby, approved, as an amendment to the plan approved by the Commission of May fifteenth, nineteen hundred and six.

The resolution was adopted.

MISCELLANEOUS COMMUNICATIONS.

The President presented a petition from Messrs. Del-Pan, Ortigas & Fisher, attorneys for the Compañia General de Tabacos de Filipinas, praying for the refund of ₱4,719.93, the amount of internal-revenue taxes paid by the said company upon alcohol and tobacco products manufactured by it and held in its storehouse at Iloilo at the time the Internal Revenue Law of 1904 became effective.

In presenting the claim, the President made the following statement:

These taxes were paid under circumstances similar to those related in the case of Ynchausti & Co. *vs.* John S. Hord, Collector of Internal Revenue, which was decided by the Supreme Court of the Philippine Islands adversely to the Government. The amount involved in the case of Ynchausti & Co. was refunded.

The Attorney-General states it is apparent that in case suit is brought upon this claim the result will be adverse to the Government and no good purpose will be served by pushing the claimant into litigation.

The undersigned recommends that the Collector of Internal Revenue be authorized to make arrangements for the settlement of this case upon the best terms obtainable which in any event shall not exceed the sum of ₱4,719.93.

Ordered, That the petition be referred to the Committee on Matters Pertaining to the Department of Finance and Justice, with the recommendation that the committee refer the same to the Acting Insular Auditor, for information as to whether there is any appropriation out of which the amount of this claim may be paid and as to whether he will approve an administrative settlement of the claim in case there is such an appropriation, and, in the event of an affirmative reply from the Acting Insular Auditor, that the Acting Secretary of Finance and Justice take care of this matter administratively.

The President presented a petition from Ynchausti & Co., through their attorney, Fred C. Fisher, praying that they be allowed

interest at the legal rate on the amount of ₱15,245.30, illegally collected from them as taxes on distilled spirits.

In presenting this petition, the President made the statement that on May 6, 1907, the Commission adopted a resolution authorizing the settlement of the claim of Ynchausti & Co. on the best terms obtainable, and the payment of the amount agreed upon, which in any event should not exceed ₱15,245.30; that Ynchausti & Co. accepted a warrant for this amount on June 21, 1907, and the question of interest on said amount was not raised at that time, in view of which fact he recommended that the petition for the interest be denied.

Resolved, That the recommendation of the Governor-General be, and is hereby, approved and the petition is denied.

Ordered, That the Secretary notify the parties in interest of the action taken.

The President presented a communication from the provincial treasurer of La Laguna, dated August 6, 1907, together with certain other correspondence relating to the question of taxes for the years 1903, 1904, and 1905, on the three haciendas in the Province of La Laguna—namely, Santa Rosa, Biñan, and Calamba—which were sold to the Insular Government by the Philippines Sugar Estates Company, Limited.

In presenting this communication the President made the following statement:

On December 22, 1903, a preliminary contract covering the sale of these three and five other haciendas was entered into between the said company and the Insular Government. The contract provided, among other things, that the Philippines Sugar Estates Company, Limited, should be acquitted of the obligation to pay all uncollected land taxes due the provinces or municipalities in which the lands were respectively situate.

The deeds of conveyance, however, were not signed until October 19 and 20, 1905, between which dates and that of the contract the Government attorneys, Messrs. Del-Pan, Ortigas & Fisher, rendered an opinion that the titles to the estates of Santa Rosa, Biñan, and Santa Cruz de Malabon, which is located in Cavite, vested not in the Philippines Sugar Estates Company, Limited, but in the College of Santo Tomas, and advised against their purchase. The Government, however, proceeded with the consummation of the contract, insuring itself as to title by requiring the rector of the college to join in the deeds conveying the haciendas of Santa Rosa, Biñan, and Santa Cruz de Malabon, to whom also the purchase price was paid.

After a careful study of the contract and other papers covering this transfer of ownership, the municipal president of Santa Rosa, Sr. Celerino Tiongo, on October 24, 1906, raised the point that inasmuch as the Philippines Sugar Estates Company, Limited, and not the College of Santo Tomas, had been exempted from the payment of back taxes by the contract of December 22, 1903, and it appeared that the title to the hacienda of Santa Rosa vested in the college, the college could not invoke the contract for its protection against the taxes mentioned therein. Active steps seem to have been taken to bring action in the courts for recovery of these taxes from the said college; but the Attorney-General, to whom the matter had been referred, in December last expressed an opinion that the municipality had no legal recourse for the unassessed taxes for the year 1903-4, and the matter of taking the case into the courts seems to have been abandoned, or at least held in abeyance.

The claim was then advanced that inasmuch as the taxes remitted were for the benefit of the municipality and the province, while title to the property passed to the Insular Government, the latter should reimburse the municipality for this loss of revenue, although there is no record that the amount of this revenue was ever definitely stated by the municipal board of tax assessors.

Valuing the estates in La Laguna at the amounts for which they were sold to the Government, the provincial treasurer finds that the taxes which it is claimed should have been paid for the years 1903, 1904, and 1905, including a penalty of 15 per cent and 6 per cent interest to June 30, 1907, are as follows:

Hacienda of Santa Rosa	₱33,248.01
Hacienda of Biñan	21,973.95
Hacienda of Calamba	50,605.93
Total	105,827.89

Of this amount, however, the sum of ₱39,000 was collected from the occupants of the three haciendas prior to the suspension of such collection by the resolution of the Commission of April 16, 1906, which amount it is claimed should be refunded to the payees, if the collection of the taxes from the estates as a whole were made.

So far as the refund of these taxes by the Insular Government is concerned, however, the province and municipalities of La Laguna have no claims which could not be pressed with equal pertinency by the provinces and municipalities in which the five other haciendas, purchased upon the same conditions from the Philippines Sugar Estates Development Company, Limited, are situated, and figured on the same basis as is used by the treasurer of La Laguna, their claims would amount to some ₱131,732.50, or the total of the eight haciendas would be ₱237,560.39 in remitted taxes.

The undersigned is of the opinion that unless there be something in the contract between the original owners and the Government of the Philippine Islands that the taxes would be assumed by the Government, the Government can not on any possible theory be made liable for such taxes. It certainly could not be made liable for the taxes at the time when it was

not the owner and it is equally certain that it could not be made liable for taxes after it became the owner for the simple reason that under the provisions of existing law all property of the Government of the Philippine Islands is exempt from taxation.

The matter is submitted to the Commission for such action as it may care to take in the premises.

On motion by Commissioner Shuster,

Resolved, That the Commission concur in the opinion expressed by the Governor-General and that the Secretary be, and is hereby, directed to convey to the provincial board of La Laguna information of the action taken.

The President presented a communication from the provincial treasurer of La Laguna, dated September 8, 1906, addressed to the Assistant Executive Secretary, with reference to action to be taken for the collection of delinquent taxes on the San Pedro de Tunasan estate, municipality of Biñan, Province of La Laguna.

On motion by the President,

Referred to the Committee on Matters Pertaining to Bureaus under the Executive Control of the Governor-General, to be taken care of administratively.

Commissioner Shuster presented a petition signed by Martin Cecilio, member of the school board of the municipality of Buhi, Province of Ambos Camarines.

In presenting this communication, Commissioner Shuster made the following statement:

After commenting on the existence of many inadequate private schools in the barrios of the Philippine Islands, the seeming disinclination of parents or guardians to see their children attend schools, the futility of present measures adopted to encourage attendance at schools, and the unsatisfactory length of time which is allowed parish priests to give religious instruction in the schools, Señor Cecilio recommends the construction of a municipal schoolhouse, for both sexes, in each municipality, or población, large enough to accommodate the children resident within the said población within a radius of $1\frac{1}{2}$ kilometers, and the erection of municipal schoolhouses in each barrio, or visita, more than $1\frac{1}{2}$ kilometers from the central school in such municipalities, or poblaciones.

Señor Cecilio recommends, first, the construction of the schoolhouses; second, two school terms for the municipality of Buhi, the first from January 2 to the last week day of March, the second from June 1, to end before November 1; third, that attendance at school during these periods shall be compulsory; fourth, that no private schools shall be permitted to exist unless the teachers therein possess certain qualifications.

In the opinion of the undersigned, it would be very desirable if only qualified instructors could be had in the private schools of the Philippine

Islands. It is not believed, however, that present conditions would justify any legislation on this point; furthermore, in view of the fact that the Government has been unable, although it has strained its resources to the utmost, to provide school accommodations for more than one-third of the school population of the Islands, it would seem highly inadvisable for that, if for no other reason, to make attendance in the schools compulsory.

It is recommended that Sr. Martin Cecilio be informed of the contents of this indorsement.

On motion, it was

Resolved, That the recommendation of the Secretary of Public Instruction be, and the same is hereby, approved.

Ordered, That the Secretary notify Mr. Martin Cecilio of the action taken.

SPECIAL ORDER SET.

The President presented a communication from the Municipal Board of Manila requesting that the said Board be authorized to make the collections in the Quinta Market through its disbursing officer, instead of its city assessor and collector, for the months of November and December.

On motion by Commissioner Shuster,

The consideration of the question was made a special order for Saturday, November 16, at 8 o'clock antemeridian, and the Secretary was directed to notify the President of the Municipal Board of Manila and the Collector of Internal Revenue to be present at that time, to discuss the question with the Commission in Committee of the Whole.

INTRODUCTION AND FIRST AND SECOND READINGS OF BILL.

The President presented for consideration a bill entitled as follows:

Commission Bill No. 3. A Bill to provide for the inspection of steam and other vessels of the Philippine Islands, and to regulate the transportation of passengers and merchandise thereon.

By unanimous consent, the bill was read the first and second times.

The President thereupon moved that the consideration of Commission Bill No. 3 be made a special order for Friday, November 22, 1907, at 9 o'clock antemeridian.

The motion prevailed.

Ordered, That the Secretary notify all persons interested through the public press that they will be heard by the Commission sitting in Committee of the Whole, at the time specified.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was submitted:

[Committee Report No. 2.]

NOVEMBER 15, 1907.

MR. PRESIDENT: Your Committee on Rules have the honor to report that, having met with the Committee on Rules of the Assembly for the purpose of considering the procedure to be followed by the Commission and the Assembly in the election of two Resident Commissioners to the United States, in pursuance of the provisions of section 8 of the Act of Congress approved July 1, 1902, agreed upon the following joint resolution, to be submitted, first, to the Assembly, and in case of its adoption by the Assembly, then to the Commission for its consideration and action:

"Resolved, That each House, acting as a Committee of the Whole, shall designate by a majority of votes one Resident Commissioner, and that each House shall communicate to the other the result of its designation. In case of disagreement between the two Houses they shall proceed to make a new designation in the same manner until an agreement is reached between both Houses, in which case they shall proceed to the election, at the same time and voting separately, of the two persons thus designated by both Houses: Provided, however, That if both persons previously designated shall not be elected, the election shall be void and there shall be had a new election of two persons designated by both Houses."

W. MORGAN SHUSTER, *Chairman.*

To the Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

On motion by the President,

The report was laid on the table until the receipt of a message from the Assembly on the subject of the resolution agreed upon by the two committees.

EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session, see pp. 267-273.)

ADJOURNMENT.

Thereupon, on motion,

The Commission adjourned to meet again at 8 o'clock ante-meridian, Saturday, November 16, 1907.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

SATURDAY, NOVEMBER 16, 1907.

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Legarda.

CONSIDERATION OF SPECIAL ORDER.

Felix M. Roxas, President of the Municipal Board of Manila, and John S. Hord, Collector of Internal Revenue, being present at the invitation of the Commission,

On motion by the President,

The Commission entered into Committee of the Whole for the purpose of considering the request of the Municipal Board that it be authorized to make the collections in the Quinta Market, through its disbursing officer instead of its city assessor and collector, for the months of November and December, the said request having been made a special order set for consideration at 8 o'clock ante-meridian of this date.

After some time spent therein, the committee rose and reported to the Commission, with the recommendation that a committee of three be appointed for the purpose of investigating the system at present in operation in the Quinta Market, the system formerly proposed by John S. Hord, Collector of Internal Revenue, for the conduct of said market, and the system now proposed by the Municipal Board for the administration of the market; the said committee to make its recommendation to the Governor-General,

together with a report as to the responsibility for any extra cost in the administration of the Quinta Market since July 1, 1907.

The report of the Committee of the Whole was agreed to.

The President thereupon stated that, having conferred with the Secretary of Public Instruction and the Secretary of Commerce and Police, he would appoint John S. Leech, Director of Printing; William T. Nolting, Assistant Director of Posts, and Howard A. Lampman, Insular Disbursing Officer, as members of the said committee, Messrs. Leech and Nolting being officials of the Department of Public Instruction and of the Department of Commerce and Police, respectively, and Mr. Lampman an official of the Department of Finance and Justice, of which the Governor-General was at present Acting Secretary.

(For discussion in Committee of the Whole, see pp. 295-314.)

SPECIAL ORDER SET.

On motion by Commissioner Shuster,

The reading of the annual reports of Secretaries of Departments was made a special order for Monday, November 18, 1907, at 8 o'clock and 30 minutes antemeridian.

ADJOURNMENT.

On motion,

The Commission adjourned to meet again at 8 o'clock antemeridian, Monday, November 18, 1907.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

MONDAY, NOVEMBER 18, 1907.

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Legarda, Luzuriaga, Forbes, Shuster, and the President.

Absent: None.

READING OF JOURNALS.

The Journals of Friday, November 15, and Saturday, November 16, were read and approved.

EXECUTIVE SESSION.

On motion by the President,

The Commission then went into executive session for the purpose of hearing read the annual reports of the Secretaries of Departments.

At 12 o'clock and 15 minutes postmeridian the Commission returned to regular session.

ADJOURNMENT.

Thereupon, on motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

TUESDAY, NOVEMBER 19, 1907.

The Commission met at the call of the President at 10 o'clock and 40 minutes antemeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Legarda.

READING OF JOURNAL.

During the reading of the Journal of Monday, November 18,

On motion by the President,

The further reading was dispensed with.

EXECUTIVE SESSION.

On motion by the President,

The Commission went into executive session for the purpose of continuing with the reading of the annual reports of Secretaries of Executive Departments.

At 12 o'clock and 30 minutes postmeridian the Commission returned to regular session.

ADJOURNMENT.

Thereupon on motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

WEDNESDAY, NOVEMBER 20, 1907.

The Commission met at the call of the President at 10 o'clock antemeridian.

Present: Commissioners Worcester, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioners Tavera and Legarda.

READING OF JOURNAL.

During the reading of the Journal of Tuesday, November 19, 1907,

On motion by the President,

The further reading was dispensed with.

EXECUTIVE SESSION.

On motion by the President,

The Commission went into executive session for the principal purpose of continuing with the reading of the annual reports of Secretaries of Executive Departments.

At 12 o'clock meridian the Commission returned to regular session.

ADJOURNMENT.

Thereupon on motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

THURSDAY, NOVEMBER 21, 1907.

The Commission met at the call of the President at 12 o'clock meridian.

Present: Commissioners Worcester, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioners Tavera and Legarda.

RESOLUTION.

The following resolution was introduced by the President:

C. R. No. 15. *Resolved*, That the Secretary be, and he is hereby, directed to request the Committee on Agriculture of the Philippine Assembly to fix a date and hour, early next week if convenient, upon which they can meet the Commission, sitting in Committee of the Whole, for the purpose of discussing the question of the establishment of an agricultural bank in these Islands.

The resolution was adopted.

ADJOURNMENT.

On motion,

The Commission adjourned to meet again at 8 o'clock ante-meridian Friday, November 22, 1907.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, NOVEMBER 22, 1907.

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Legarda.

READING OF JOURNALS.

During the reading of the Journal of Wednesday, November 20, 1907,

On motion by the President,

The further reading was dispensed with.

During the reading of the Journal of Thursday, November 21, 1907,

On motion by the President,

The further reading was dispensed with.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the discussion of the provisions of the proposed law (C. B. No. 3) to provide for the inspection of steam and other vessels of the Philippine Islands, and to regulate the transportation of passengers and merchandise thereon, heretofore set as a special order for 9 o'clock of this date,

The President announced that the persons who had appeared to discuss the measure before the Commission in Committee of the Whole requested that consideration thereof be postponed to a day certain as they had not had sufficient time to study it.

The President moved, therefore, that consideration of the same be postponed until Friday, November 29, 1907, at 9 o'clock antemeridian.

The motion prevailed and the Secretary was directed to inform the persons interested, through the public press, of the action taken.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Philippine Assembly:

NOVEMBER 21, 1907.

MR. PRESIDENT: I have the honor to transmit to the honorable Philippine Commission, by direction of the Speaker, the annexed joint resolution passed by the Assembly on the 18th instant, praying that the Commission concur therein.

Respectfully,

GREGORIO NIEVA, *Recorder of the Assembly.*

To the Honorable,

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

[Joint Resolution No. 2 of the Philippine Assembly.]

Prescribing the procedure to be followed by the Commission and the Assembly in the election of two Resident Commissioners to the United States, in accordance with section eight of the Act of Congress passed July first, nineteen hundred and two.

Resolved by the Philippine Commission and the Philippine Assembly, That each House, assembled as a Committee of the Whole, shall designate by a majority vote one resident of these Islands who shall be Commissioner to the United States, and that each House shall communicate to the other the result of such designation. In case of disagreement between both Houses, a new designation shall be made in the same manner, until an agreement is reached between both Houses, in which case there shall be an election of the two persons thus designated by both Houses, at the same time and by separate vote: *Provided,* That if both persons previously designated should not be elected, the election shall be void and a new election shall be made of two persons designated by both Houses.

By unanimous consent, the joint resolution was read once and put upon its passage.

The roll was called, and Assembly Joint Resolution No. 2 was finally adopted by unanimous vote.

Title read and approved.

Ordered, That the Secretary notify the Assembly of the action taken.

EXECUTIVE SESSION (OUT OF ORDER).

On motion by the President,

The Commission then went into executive session for the principal purpose of continuing with the reading of the annual reports of Secretaries of Executive Departments.

At 11 o'clock and 30 minutes antemeridian the Commission returned to regular session.

(For appointments confirmed in executive session, see pp. 273, 274.)

ELECTION OF RESIDENT COMMISSIONERS TO THE UNITED STATES.

The Recorder of the Assembly appeared and stated that he had been directed by the Assembly to announce to the Commission that the Assembly, sitting in Committee of the Whole, in accordance with Assembly Joint Resolution No. 2, already concurred in by the Commission, had designated Pablo Ocampo to be voted for in formal session as one of the Resident Commissioners to the United States provided for by section 8 of the Act of Congress of July 1, 1902, the voting of the Assembly in Committee of the Whole being as follows:

Pablo Ocampo	42
Rafael Del-Pan	18
Jaime de Veyra	8
Cayetano Lukban	7
Alberto Barretto.....	4

On motion by the President,

The Commission thereupon resolved itself into the Committee of the Whole,

The President in the chair.

After some time spent therein, the committee rose and through the President reported that on motion by Commissioner Forbes, seconded by Commissioner Shuster, Benito Legarda had been unanimously designated to be voted for in formal session as one of the Resident Commissioners to the United States provided for by section 8 of the Act of Congress of July 1, 1902, and that the committee had also agreed to the designation of Pablo Ocampo by the Assembly as its candidate.

Ordered, That the Secretary notify the Assembly of the action taken, and inform the Assembly that the Commission would on its part proceed to a vote in formal session on the two persons designated immediately upon notification that the Assembly had agreed

to the candidate designated by the Commission in accordance with Assembly Joint Resolution No. 2.

Presently the Recorder of the Assembly appeared and stated that he had been directed by the Assembly to inform the Commission that the designation by the Commission of Benito Legarda as one of the Resident Commissioners was agreed to by the Assembly as in Committee of the Whole and that the Assembly would immediately proceed to a vote in formal session on the two persons designated.

Commissioner Shuster thereupon placed in nomination for the offices of Resident Commissioners to the United States Don Benito Legarda and Don Pablo Ocampo.

The nomination was seconded by Commissioners Tavera and Luzuriaga.

The President put the question, "Are there any other nominations for the position of Resident Commissioner to the United States?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

Yeas: Commissioners Worcester, Tavera, Luzuriaga, Forbes, Shuster, and the President.

Nays: None.

Whereupon the President declared Don Benito Legarda and Don Pablo Ocampo elected on the part of the Commission to the positions of Resident Commissioners to the United States in accordance with the provisions of section 8 of the Act of Congress of July 1, 1902.

At this point a message from the Assembly was announced and the Recorder of the Assembly appeared and stated that he had been directed by the Assembly to announce to the Commission that at 12 o'clock meridian the Assembly in formal session had elected to the positions of Resident Commissioners to the United States Don Pablo Ocampo and Don Benito Legarda.

Thereupon, at the direction of the Commission, the Secretary proceeded to the Hall of the Assembly and announced to the Assembly that the Commission, at 12 o'clock meridian, had on its part elected the same gentlemen.

ADJOURNMENT.

Thereupon, on motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, NOVEMBER 29, 1907.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Worcester, Legarda, Luzuriaga, and the President.

Absent: Commissioners Tavera, Forbes, and Shuster.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the discussion of the provisions of the proposed law (C. B. No. 3) to provide for the inspection of steam and other vessels of the Philippine Islands, and to regulate the transportation of passengers and merchandise thereon, heretofore set as a special order for 9 o'clock of this date,

On motion by the President,

The consideration thereof was postponed until Monday, December 2, 1907, at 9 o'clock antemeridian, due to the illness of Commissioner Forbes, who, the President stated, should be present during the consideration of the bill, as the same affected the Department of Commerce and Police, of which Commissioner Forbes is the head.

ADJOURNMENT.

Thereupon, on motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

MONDAY, DECEMBER 2, 1907.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Tavera, Legarda, Luzuriaga, Forbes, and the President.

Absent: Commissioners Worcester and Shuster.

READING OF JOURNAL.

During the reading of the Journal of Friday, November 22, 1907,

On motion by the President,

The further reading was dispensed with.

COMMUNICATION FROM THE GOVERNOR-GENERAL.

The Governor-General made the verbal statement that Commissioner Shuster had been granted authority to be absent from the sessions of the Commission, for the purpose of making an inspection, in his capacity as Secretary of Public Instruction, of schools and prisons in the southern islands, and had left Manila on Saturday, November 23, 1907, with the expectation of returning some time during the latter part of December.

SPECIAL ORDER SET.

The Secretary stated that in accordance with directions contained in Commission Resolution No. 15, he had requested the Committee on Agriculture of the Assembly to fix a date and hour

upon which they could conveniently meet the Commission sitting in Committee of the Whole for the purpose of discussing the question of the establishment of an agricultural bank in these Islands, and had been informed by the chairman of the committee that they would be pleased to meet the Commission on Saturday, November 30, 1907, but that later, on request of the Secretary of the Commission made at the direction of the President, the committee had agreed to a postponement of the meeting to Tuesday, December 3, 1907, when it was expected that a quorum of the Commission would be available.

On motion by the President,

The consideration of the subject was made a special order for Tuesday, December 3, 1907, at 9 o'clock antemeridian.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the discussion of the provisions of the proposed law (C. B. No. 3) to provide for the inspection of steam and other vessels of the Philippine Islands, and to regulate the transportation of passengers and merchandise thereon, heretofore set as a special order for 9 o'clock of this date,

On motion by the President,

The Commission went into Committee of the Whole for the purpose of taking up the consideration of the measure.

After some time spent therein, the Committee rose, reported that consideration of the subject had not been completed, and recommended that it again be made a special order for Wednesday, December 4, 1907, at 9 o'clock antemeridian.

On motion by the President,

The report and recommendation of the Committee were adopted. (For discussion in Committee of the Whole, see pp. 315-334.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

TUESDAY, DECEMBER 3, 1907.

The Commission met at the call of the President at 8 o'clock and 50 minutes antemeridian.

Present: Commissioners, Worcester, Tavera, Legarda, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster.

READING OF JOURNAL.

During the reading of the Journal of Monday, December 2, 1907,

On motion by the President,

The further reading was dispensed with.

CONSIDERATION OF SPECIAL ORDER.

The Committee on Agriculture of the Philippine Assembly being present in accordance with previous arrangement,

On motion by the President,

The Commission went into Committee of the Whole for the purpose of discussing with the Assembly Committee on Agriculture the proposition made by Mr. H. M. Evans for the establishment of an agricultural bank in these Islands, as follows:

Request for charter for a bank, the name to be "First National Bank;" charter to run ninety-nine (99) years; the Philippine Government to guarantee principal and four per cent (4%) annual interest for twenty-five (25) years; the bank to be free from all taxation, either Insular, provincial, or municipal, for twenty-five (25) years, including deposits, capital, surplus, mortgages, and other securities, and all property real or personal, or to the holders of shares of stock.

The bank to be granted the privilege of issuing national bank notes to the amount of its capital and surplus.

Free office rent to be granted by the Government in municipal or provincial buildings, at the company's option; collections to be made through provincial treasurers and their deputies, to be remitted without expense to the bank; provincial treasurers to receive deposits and make collections of interest and principal, their safe remittance to the bank being guaranteed by the Insular Government. Provincial treasurers may be appointed agents of the bank in their respective provinces, to be governed by and under the rules and regulations of the bank; the bank to be a Government depository and to be entitled, upon the bank's demand upon the Insular Treasurer, to receive at all times Government deposits equal to the capital and surplus of said bank, or such part thereof as said bank may from time to time determine.

The bank to be granted the privilege of doing a general banking, trust, safety deposit, brokerage and commission, exchange, bonding, mortgage, security and loan business, with privilege and authority of organizing and maintaining at its option branch offices throughout the Archipelago, and the purchase and sale of mortgages, bonds, and securities upon its own account or as agents; also to be granted the exclusive privilege as to corporations or associations authorized by law to serve and act anywhere in the Philippine Islands, upon the appointment of a proper court when necessary under the law, and without bond, as receiver, guardian, trustee, executor, administrator with the will annexed or administrator, and to receive as compensation therefor the regular fees and allowances now prescribed by law, and such other fees and compensation as may be properly agreed upon by and between said company and any person or persons in copartnership, corporation, or association of any kind, class or description, competent to act in the Philippines; the bank to be granted the privilege of purchasing, conveying, and selling either real or personal property, and shall have full, ample, and complete authority for carrying out any and all powers herein granted.

Before taking up the proposition, the President stated that he had had a talk with Mr. Evans, during which Mr. Evans informed him that he would be willing to omit the guaranty on both the principal and interest if he could get a concession along the other lines indicated.

After some time spent therein, the committee rose and reported to the Commission that the two committees had unanimously agreed on the following resolution:

Resolved by the Philippine Commission as in Committee of the Whole and the Committee on Agriculture of the Philippine Assembly, sitting in conference, That it is the sense of the said committees that the proposition submitted by Mr. H. M. Evans must be rejected, first, because there is no guaranty that any of the funds of the bank as proposed would be

loaned on agricultural property; second, because the Act of Congress approved March fourth, nineteen hundred and seven, providing for the establishment of an agricultural bank in the Philippine Islands, prohibits an agricultural bank whose income is guaranteed by the Government from entering into any other class of the banking business; and third, because the proposition of Mr. Evans would not meet the needs of the country, which require the establishment of a purely agricultural bank which shall dedicate its funds solely to the relief of agriculture by making loans on agricultural property.

On motion by the President,

The report and resolution were adopted, and the Secretary was directed to notify Mr. H. M. Evans thereof.

(For discussion in Committee of the Whole, see pp. 335-339.)

RESOLUTION.

The following resolution was introduced by the President:

C. R. No. 16. *Resolved*, That until otherwise provided the following order shall be followed by the Commission in the transaction of business coming before it:

- (1) Roll call.
- (2) Reading, correction, and approval of Journal of preceding day. (This may be dispensed with for the entire session by resolution unanimously adopted or for the day on motion made and unanimously carried.)
- (3) Messages and communications from the Governor-General.
- (4) Urgent business.
- (5) Communications from the Secretaries of Executive Departments. (Introduction of bills or reports on bills or resolutions referred shall not be included under this paragraph.)
- (6) Unfinished business, such as bills, joint resolutions, and messages from the Assembly as may remain upon the President's or Secretary's table from any previous day's session undisposed of.
- (7) Special orders of the day.
- (8) Messages from the Assembly (including bills, resolutions, etcetera.)
- (9) Introduction and consideration of original motions and resolutions of the Commission.
- (10) Third reading and passage of bills, joint resolutions, and concurrent resolutions.
- (11) Bills, resolutions, etcetera, relating to the Moro and other non-Christian provinces.
- (12) Presentation of claims, petitions, memorials, and other communications. (A brief statement of contents only need be made when they can be referred to the proper committee.)
- (13) Reports of standing committees.
- (14) Reports of select committees.
- (15) Introduction and first and second readings of bills (joint and concurrent resolutions) and reference to Committee of the Whole.

(16) General orders (miscellaneous).

(17) Executive business.

By unanimous consent the Commission may, when the importance and urgency of a question demand, depart from the foregoing order of business.

The resolution was adopted.

MISCELLANEOUS COMMUNICATIONS.

The following communications were read and ordered filed:

A communication from Captain D. W. Kilburn, United States Army, secretary of the Philippines Carnival Association, conveying to the Commission the thanks of the Carnival Association for the permission granted them to use the canceling stamp of the Postal Department of the Philippine Islands.

A communication from Concepcion Felise de Calderon, president of the society "La Protección de la Infancia," extending the thanks of the society for the resolution of the Commission of October 12, 1907, authorizing the Director of Prisons to furnish the society with one hundred bejuco baskets for use in its work.

REPORTS OF SELECT COMMITTEES.

[Committee Report No. 3.]

To the PHILIPPINE COMMISSION:

The undersigned committee, appointed by the resolution of the Commission of January 11, 1907, to report on whether Congress should be asked to remove the existing customs duties on agricultural machinery, apparatus, and implements imported into these Islands, has the honor to submit the following:

Your committee finds that the existing customs duties on agricultural machinery, apparatus, and implements are a revenue tax only, hence that the only possible objection to the removal of said duties would be the loss of revenue to the Insular Government. Several petitions and requests from provincial and municipal authorities for the removal of these duties have been recently received.

It is found that during the past three fiscal years of 1904, 1905, and 1906 the importation of agricultural machinery (including sugar machinery), apparatus, and implements was as follows:

Year.	Agricultural machinery, etc.			Sugar machinery.			Total agricultural, etc., and sugar machinery.		
	Pounds.	Value.	Duty.	Pounds.	Value.	Duty.	Pounds.	Value.	Duty.
1904 -----	449,409	\$39,964	\$532	117,610	\$10,346	\$196	567,019	\$50,310	\$728
1905 -----	1,195,112	90,693	8,624	273,199	19,386	805	1,468,311	110,079	4,429
1906 -----	2,011,725	145,372	7,334	32,116	2,575	129	2,043,841	147,947	7,463

The foregoing table includes everything which may be properly classed under the head of agricultural machinery, apparatus, and implements (such as plows, harrows, etc.), but does not include what are classified in the Tariff as "tools," whether same are to be used in connection with agricultural work or not.

Taking as a basis the three fiscal years 1904, 1905, and 1906, the loss of revenue to the Insular Government resulting from the removal of the existing import duties on these articles would be, approximately, ₱8,412 per annum. It is believed, however, that under normal conditions the importations of these articles would have been in the past, and will be in the future (even if the existing duties are retained) considerably greater than the average shown by the three years cited, and that it would be safe to estimate the customs which might be normally expected under this head at about ₱15,000 per annum.

Assuming, therefore, that the removal of all customs duties on agricultural machinery, apparatus, and implements means a loss to the Insular revenues of about ₱15,000 annually, your committee is of the opinion that the advantages to accrue to the people of these Islands through the additional facilities and stimulus which would be given to agriculture here by the removal of said duties decidedly outweigh the loss of revenue involved.

Your committee therefore recommends that the Philippine Commission do recommend to the Congress of the United States and the Secretary of War the entire removal of the existing customs duties on agricultural machinery, apparatus, and implements.

Respectfully submitted.

JOSÉ R. DE LUZURIAGA,
Commissioner.

W. MORGAN SHUSTER,
Secretary of Public Instruction.

[Committee Report No. 4.]

NOVEMBER 22, 1907.

To the PHILIPPINE COMMISSION:

In accordance with a resolution of the Commission of May 3, 1907, I have the honor to return herewith certain papers in regard to the petition of the "La Concha" button factory of Manila, dated January 5, 1907, and signed by the managing director thereof, Mr. C. Schwinges, requesting that the Philippine Commission recommend to Congress certain changes in the existing customs tariff of the Philippine Islands, for the purpose of fostering and protecting the local industry of the manufacture of buttons.

In said resolution it is stated that it is the sense of the Commission that, if necessary, a recommendation should be presented to the Secretary of War and to Congress for the readjustment of duties on buttons, brass shanks and rings for buttons, and shells in an unmanufactured state, imported into the Philippine Islands, to the end that the local button industry

shall be placed upon a reasonable basis of competition with importers of similar articles.

The undersigned was directed to have an examination made of the books of said factory and to make report and recommendation to the Commission as to what change in the present customs tariff will be necessary to give a reasonable protection to the local button industry, and to prepare draft of the form in which it should be submitted to the Secretary of War and to Congress.

Pursuant to said directions, the undersigned requested the Collector of Internal Revenue to ascertain, through his Bureau, the exact financial condition of the "La Concha" button factory to-day and the state of its business under the existing customs tariff and competition through the imported buttons.

On August 22, 1907, the Collector of Internal Revenue returned the papers to the undersigned inviting attention to a full report upon this subject made by two of the agents of that Bureau, covering the existing business of the "La Concha" button factory. The Collector of Internal Revenue stated in said report that: "This factory is, even under existing conditions, making a substantial profit on some lines of its manufacture, which, however, is more than offset by the large losses suffered on other lines."

In a conference subsequently held with Mr. Schwinges, managing director of the factory, the undersigned turned over to him for examination and comment, the report rendered by the Collector of Internal Revenue, and all other papers in the case, requesting a specific statement by Mr. Schwinges as to the amount of tariff protection which he sought. On September 11, 1907, Mr. Schwinges addressed a supplementary communication to the Philippine Commission (transmitted herewith) in which he requests that paragraph 345 of the existing customs tariff (Act of Congress of March 3, 1905) be changed so as to provide a duty of 50 cents per kilo, net weight, on buttons made of bone, porcelain, composition, wood, steel, iron, and similar materials; a duty of \$1 per kilo, net weight, on buttons made of rubber and of copper and its alloys, and a duty of \$2 per kilo, net weight, on buttons made of mother-of-pearl and of other materials not specifically provided for, except buttons of gold or silver or gold or silver plated buttons.

Paragraph 345 of the present customs tariff reads as follows:

"Buttons:

- "(a) Bone, porcelain, composition, wood, steel, iron, and similar materials, N. W., kilo, twenty cents;
- "(b) Rubber, copper and its alloys, N. W., kilo, fifty cents;
- "(c) Mother-of-pearl and others not specially provided for, except of gold or silver, or gold or silver plated, N. W., kilo, one dollar."

Paragraph 345 of the former customs tariff (Act No. 230 of the Philippine Commission) reads as follows:

"Buttons of all kinds, other than gold or silver, or of gold or silver plate, N. W., kilo, one dollar."

It will be noticed, therefore, that Mr. Schwinges requests that the duty

on bone, porcelain, etc., buttons be raised from 20 cents per kilo, net weight, to 50 cents per kilo, net weight, an increase of 150 per cent in the present duties; that the duty upon rubber and copper buttons be increased 100 per cent and that the duty on mother-of-pearl and other buttons, not specially provided for, be increased 100 per cent.

It appears that where the "La Concha" button factory is losing money is in the manufacture of two styles of mother-of-pearl buttons which, according to the statement of the managing director of the factory, must be manufactured and sold at a loss in order to get and maintain the trade in the better classes of buttons of which they do not sell nearly so many, but upon which they make a fair profit.

The internal-revenue agents report that a fair sample of these buttons costs on the average to manufacture, ₡2.28 per gross. A gross of these buttons weighs a little less than a kilo. They are sold at ₡1.91 per gross, or an average loss per gross of 37 centavos, which is a loss of about 16 per cent on the cost of production. Assuming therefore, that under the present tariff of \$1, United States currency, per kilo, net weight, the manufacturer is compelled to sell this class of buttons at a loss of 16 per cent, the customs duties being on this class of buttons something under 90 per cent ad valorem, it would seem clear that if additional protection is to be given to the local manufacturer, through increased customs duties, it would be necessary to increase the customs duties to about 107 per cent ad valorem, or to \$1.22, United States currency, per kilo, net weight, in order that the manufacturer should suffer no loss upon these buttons under existing laws and conditions. If it is desired to give him about a 10 per cent profit upon these buttons, upon the same basis, the duty should be increased approximately 10 per cent above that amount or say \$1.35, United States currency, per kilo, net weight.

It should be borne in mind, however, that upon various other styles of buttons and manufactured articles the manufacturer is making a reasonable profit; furthermore, that he requests that the shells in an unmanufactured condition should be admitted free of duty. This would give him an additional and not inconsiderable amount of profit.

The managing director also states that the present duties on brass shanks and rings for buttons, and silvered copperfoil are too high and requests that the same be reduced. He claims that the duties put upon brass shanks under paragraph 69 (b) of the present customs tariff of 30 cents per kilo, net weight, provided that the same is less than 15 per cent ad valorem, are too high. This is not believed to be the case and the duties charged upon these articles are thought to be entirely reasonable.

With regard, however, to the silvered copperfoil which, the managing director states, is assessed under paragraph 29 (b) of the present customs tariff at \$2 per kilo, net weight, provided that the same is not less than 25 per cent ad valorem, and results in an actual ad valorem duty of 140 per cent, it is believed that this is an abnormally high rate of duty and it is recommended that paragraph 29 of the present customs tariff be modified by adding thereto, a letter (c) to read as follows:

"(c) Silvered copperfoil, N. W., kilo, fifty cents."

This will reduce the ad valorem duty to about 35 per cent. The undersigned also recommends that, under the free list of the present tariff, paragraph 367 be made to read as follows:

"367. Trees, shoots, plants, and shells in an unmanufactured condition."

In view of these latter recommendations favoring the local button industry here, it is recommended that paragraph 345 of the present tariff be made to read as follows:

"Buttons:

"(a) Bone, porcelain, composition, wood, steel, iron, and similar materials, N. W., kilo, thirty cents;

"(b) Rubber, copper and its alloys, N. W., kilo, fifty cents;

"(c) Mother-of-pearl and others not specially provided for, except of gold or silver, or gold or silver plated, N. W., kilo, one dollar and thirty cents."

It is believed that if the above recommendations are approved by the Commission and enacted by the Congress of the United States, the "La Concha" button factory and other similar local button factories, if any there be, or shall be, will be placed upon a fair basis of competition with the imported article and that the price to the consumer in these Islands will not be unreasonably increased.

I recommend, therefore, that the Philippine Commission include in its report to the honorable the Secretary of War, and in its recommendations for Congressional legislation, a paragraph substantially as follows:

"The Commission is in receipt of a petition from a button factory established a few years ago in Manila, requesting that, in order that it may continue to operate without losing money, the duties already prescribed by the present customs tariff (Act of Congress of March 3, 1905) in paragraph 345 be decidedly increased.

"Petitioners also request that the duties upon shells imported into these Islands be removed; that the duties upon brass shanks and rings under paragraph 69 (b) be reduced; and that the duties upon silvered copperfoil under paragraph 29 (b) be similarly reduced.

"After careful examination of the books and operations of this button factory, we are of the opinion that the present rate of customs duty is not sufficient to give a fair profit to the manufacturer here upon certain lines of mother-of-pearl buttons, and that if said factory is not afforded certain additional protection against the competition of imported buttons, it will be compelled to close its doors.

"The petitioners request that the duties upon bone, porcelain, composition, wood, steel, iron, and similar buttons be increased from 20 cents per kilo, N. W., to 50 cents, an increase of 150 per cent in the present duties; that the duties upon rubber and copper buttons be increased from 50 cents per kilo, N. W., to \$1, an increase of 100 per cent in the present duties; and that the duties on mother-of-pearl and other buttons not specially provided for be increased from \$1 per kilo, N. W., to \$2 per kilo, N. W., an increase of 100 per cent in the duties.

"It appears that upon an average class of mother-of-pearl buttons, the factory is at present losing about 16 per cent of the cost of production of said class of buttons. The average cost per gross of a fair type of said buttons is ₧2.28. The average selling price per gross is ₧1.91, the loss therefore being 37 centavos per gross, or about 16 per cent. The duties paid upon similar and competing imported buttons is \$1 per kilo or about 90 per cent of the cost of production of these buttons. In order to give a reasonable profit of say, approximately 10 per cent upon the manufacture of these classes of buttons, it would seem evident that additional protection through the customs tariff must be given to the extent of making the duty upon such buttons \$1.35 per kilo, N. W., instead of \$1.

"We believe that the duties upon unmanufactured shells used in the production of these buttons can well be removed, and these articles be placed upon the free list of the customs tariff. We also believe that the duties upon silvered copperfoil, now amounting to approximately 140 per cent ad valorem, should be greatly reduced, and that the present rate is an abnormal one. We are not of the opinion that the present rate of duty, approximately 15 per cent ad valorem on brass shanks and rings, is unreasonable, and think that it should remain unchanged.

"The Commission therefore recommends that the following changes be made in the present customs tariff, in order to place the local button manufacturing industry upon a fair and competitive basis with the imported article:

"'29. (a) Gold and silver plated jewelry, N. W., kilo, two dollars and forty cents; (b) gold and silver plated wares other than jewelry, N. W., kilo, two dollars; (c) silvered copperfoil, N. W., kilo, fifty cents.'

"Paragraph 345 should read as follows:

"'345. Buttons:

"' (a) Bone, porcelain, composition, wood, steel, iron, and similar materials, N. W., kilo, thirty cents;

"' (b) Rubber, copper and its alloys, N. W., kilo, fifty cents;

"' (c) Mother-of-pearl and others not specially provided for, except of gold or silver, or gold or silver plated, N. W., kilo, one dollar and thirty cents.'

"Paragraph 367 should read as follows:

"'367.

"'Trees, shoots, plants, and shells in an unmanufactured condition.'

Attached hereto are all papers bearing upon this case.

Respectfully submitted.

W. MORGAN SHUSTER, *Commissioner*.

On motion by Commissioner Luzuriaga,

Referred to the President for use in connection with the preparation of the annual report of the Commission to the Secretary of War for the fiscal year 1907.

EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session, see pp. 274-277.)

ADJOURNMENT.

Thereupon, on motion,

The Commission adjourned, at 11 o'clock and 30 minutes ante-meridian, to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

WEDNESDAY, DECEMBER 4, 1907.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Worcester, Tavera, Legarda, Luzuriaga, and the President.

Absent: Commissioners Forbes and Shuster.

READING OF JOURNAL.

During the reading of the Journal of Tuesday, December 3, 1907,

On motion by the President,

The further reading was dispensed with.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the continuation of the discussion of the provisions of the proposed law (C. B. No. 3) to provide for the inspection of steam and other vessels of the Philippine Islands, and to regulate the transportation of passengers and merchandise thereon, heretofore set as a special order for 9 o'clock of this date,

On motion by the President,

The Commission went into Committee of the Whole for the purpose of taking up the measure.

After some time spent therein, the committee rose, reported

that consideration of the subject had not been completed, and recommended that it again be made a special order for Saturday, December 7, 1907, at 9 o'clock antemeridian.

On motion by the President,

The report and recommendation of the committee were adopted.

(For discussion in Committee of the Whole, see pp. 340-357.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian the Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

SATURDAY, DECEMBER 7, 1907.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Legarda, Luzuriaga, Forbes, and the President.

Absent: Commissioners Worcester, Tavera, and Shuster.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for a continuation of the discussion of the provisions of the proposed law (C. B. No. 3) to provide for the inspection of steam and other vessels of the Philippine Islands, and to regulate the transportation of passengers and merchandise thereon, heretofore set as a special order for 9 o'clock of this date,

The President informed the gentlemen present to discuss the measure with the Commission that he had had a conference with Colonel Colton, the new Insular Collector of Customs, who expressed the opinion that the bill should be returned to the Bureau of Customs for revision. The President further stated that the bill was prepared by a board of customs officials appointed by the former Collector of Customs, but was very defective, containing many provisions which would undoubtedly make considerable trouble, both for the shipping community and for Government officials. He expressed the opinion that rather than spend any more time on it in its present form it would be better to return it to the Bureau of Customs, where it could be carefully restudied

and revised, to be resubmitted to the Commission at a later session, when the gentlemen who desired to discuss it further might again be present or represented.

There appearing to be no objection to this course on the part of the Commission or the gentlemen present, the President stated that at the next session of the Commission he would make a motion that the bill and all papers in connection therewith be returned to the Bureau of Customs.

ADJOURNMENT.

Thereupon, at 9 o'clock and 30 minutes, antemeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, DECEMBER 13, 1907.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Tavera, Legarda, Luzuriaga, Forbes, and the President.

Absent: Commissioners Worcester and Shuster.

The President informed the Commission that the absence of Commissioner Worcester was due to illness and that it was possible he might be unable to attend the sessions of the Commission for some time.

READING OF JOURNALS.

The Journals of Friday, November 29, Wednesday, December 4, and Saturday, December 7, 1907, were read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Philippine Assembly:

MANILA, *December 2, 1907.*

SIR: For the information of the Commission, I have the honor to invite your attention to the following resolution submitted by Delegate Jalandoni, and adopted by the Assembly at its session of the 30th ultimo, relative to the determination of the date of sailing of the Resident Commissioners to the United States:

"Whereas the Congress of the United States will open its sessions the first Tuesday of December next; and

"Whereas the Commissioners of the Philippine Legislature, now duly elected, are the ones who are called upon to represent and defend the

interests of the Islands in the United States, with power to acquaint Congress with all matters having reference to existing conditions in the Islands, economic, as well as administrative and political, to the end that the Congress of the United States may adopt resolutions and enact laws favorable to the interests of the Filipino people; and

"Whereas it is probable that at the next session of Congress questions of great interest to the people of these Islands might be presented and acted upon: Now, therefore, be it

"Resolved, That the Committee on Relations with the Sovereign Government, acting as a joint committee, confer with the Upper House in order to determine the date on which the Resident Commissioners to the United States shall sail, which date shall not be later than December thirtieth, nineteen hundred and seven."

Very respectfully,

GREGORIO NIEVA, *Secretary*.

To the Honorable,

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

MANILA, December 9, 1907.

SIR: I have the honor to advise you that the following Delegates have been appointed to-day by the Speaker to constitute the Committee on Relations with the Sovereign Government:

Hon. Felipe Agoncillo (chairman), Hon. Macario Adriático, Hon. Fílemón Sotto, Hon. Alberto Barretto, Hon. Rafael Palma, Hon. Carlos Corrales, Hon. Manuel L. Quezon, Hon. Candelario Borja, Hon. Aguedo Velarde, Hon. Jaime C. de Veyra, Hon. Pedro Chaves, Hon. Adriano Hernández, Hon. Aurelio Pineda, Hon. Leopoldo Rovira, Hon. Vicente Singson.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

To the Honorable,

THE PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila*.

At this point, Delegates Felipe Agoncillo, Macario Adriático, Rafael Palma, Manuel L. Quezon, Jaime C. de Veyra, and Vicente Singson were announced as a subcommittee of the Committee on Relations with the Sovereign Government, Philippine Assembly. Hon. Felipe Agoncillo, chairman of the committee, stated that they desired to confer with the Commission with respect to the time of departure of the two Resident Commissioners for the United States.

On motion by the President,

The Commission thereupon went into Committee of the Whole for the purpose of considering the subject.

After some time spent therein, the committee rose, the Assembly subcommittee retired from the Session Chamber, and the President,

as Chairman of the Committee of the Whole, reported to the Commission that the two committees, sitting in conference, had unanimously agreed on the following resolution:

C. R. No. 17. *Resolved*, That after conference with the subcommittee of the Committee on Relations with the Sovereign Government, Philippine Assembly, it is the sense of the Commission that Honorable Benito Legarda and Honorable Pablo Ocampo, Resident Commissioners to the United States, should leave Manila on their way to the United States in time to connect with the steamship *Mongolia*, leaving Hongkong for San Francisco on December twenty-fourth, nineteen hundred and seven, in order that they may be in Washington during the consideration of the Philippine Tariff Bill.

The resolution was adopted and the Secretary directed to furnish a copy thereof to each Resident Commissioner, for his information and guidance.

(For discussion in Committee of the Whole see pp. 358-370.)

RESOLUTION.

The following resolution was introduced by the President:

C. R. No. 18. *Resolved*, That the proposed law (Commission Bill Numbered Three) to provide for the inspection of steam and other vessels of the Philippine Islands, and to regulate the transportation of passengers and merchandise thereon, be, and the same is hereby, referred to the Committee on Matters Pertaining to the Department of Finance and Justice, with the request that the committee have the bill carefully restudied and revised in the Bureau of Customs, to be resubmitted to the Commission at a later session.

The resolution was adopted.

MISCELLANEOUS COMMUNICATIONS.

The President presented a communication from the Municipal Board of Manila, transmitting a bill against the Insular Government in the sum of ₱277,550, for police services rendered since the organization of civil government in the Philippine Islands, in 1901.

In presenting this claim, the President called attention to the fact that 30 per cent of the sum appropriated annually for the expenses of the city of Manila, averaging considerably over one million pesos, is taken from Insular funds, and that such allowance is made, as stated by Act No. 1765, in consideration of the exemption from taxation of the extensive real-estate holdings of

the Insular Government within the limits of the city of Manila, of the deprivation of the city of Manila of revenues, which under its Charter it would have derived from wharves along certain portions of the Pasig River ceded to the Insular Government, of the expense of extensive improvements which the government of said city is required to make by reason of the location therein of the capital of the Islands, of the use by the Insular Government of the building known as the "Ayuntamiento," of the free service furnished by the police department of said city on certain buildings occupied by the Insular Government, including Malacañan Palace, and of the service by the sheriff of the city of Manila as an officer of the Supreme Court.

Commissioner Forbes added that the whole question of what the city was entitled to was thoroughly discussed with the Municipal Board by the Reorganization Committee, of which he was chairman, at the time of the reorganization of the Government last year, and it was then understood by the Board exactly what was to be allowed and what was not to be allowed, and a part of that understanding was that not more than six American policemen were to be detailed for the Insular service, of whom three were to be stationed at Malacañan and three at the Ayuntamiento, and in case the exigencies of the city were such as to demand a greater force than twenty men assigned to the direction of the Bureau of Health that special authority would be granted for such increase and that such increase would be allowed in excess of the total force of five hundred authorized, and further that it was understood that the past was to be considered clear.

Thereupon, it was moved by Commissioner Forbes and seconded by Commissioner Tavera that the further consideration of the claim be indefinitely postponed.

The motion prevailed.

The President presented the following resolution, adopted by the Manila Merchants' Association on Monday, November 11, 1907:

Whereas the question of a reduction of the tariff between these Islands and the United States will be brought up in Congress at the coming session; and

Whereas it is essential that these Islands be represented in Washington by some one who is thoroughly conversant with all phases of the subject-matter; and

Whereas, Mr. John S. Hord, Director, Bureau of Internal Revenue, is

just the man to represent all interests without bias, and with the necessary knowledge of the questions involved: Therefore, be it

Resolved, That the Manila Merchants' Association, with a view to promoting the best interests of the Islands, requests His Excellency the Governor-General that the said Mr. John S. Hord be sent to Washington in the aforesaid capacity, if, in His Excellency's judgment, it is deemed advisable to so do.

In connection with the foregoing resolution of the Manila Merchants' Association, the President stated that Mr. Hord had expressed his willingness to go to Washington for the purpose of representing Philippine interests during the discussion of the Philippine tariff, provided his expenses were paid while on duty at Washington and that the time spent on such duty would not be charged against his leave.

JOINT RESOLUTION.

There being no objection, the President introduced the following:

- C. J. R. No. 2. Joint Resolution authorizing the Acting Secretary of Finance and Justice to direct John S. Hord, Collector of Internal Revenue, while on leave in the United States, to proceed to Washington, District of Columbia, for the purpose of appearing before the proper committees of the Senate and House of Representatives in connection with the consideration of the reduction of the tariff on Philippine tobacco and sugar.

Resolved by the Philippine Commission and the Philippine Assembly, That the Acting Secretary of Finance and Justice, be, and he is hereby, authorized to direct John S. Hord, Collector of Internal Revenue, while on leave in the United States, to proceed to Washington, District of Columbia, at the time of the consideration by Congress of the proposed bill permitting the introduction of Philippine tobacco and sugar free of duty into the United States, for the purpose of furnishing to the proper committees of the Senate and House of Representatives such information as he may have with reference to said products; and

Resolved further, That the time necessarily spent by Mr. Hord in this connection shall not be deducted from his leave, and that the expenses actually and necessarily incurred by him, as may be allowed by the Insular Auditor, while traveling from the point of his arrival in the United States to Washington, District of Columbia, and while on such duty in Washington, shall be paid from any funds heretofore appropriated for the Bureau of Internal Revenue; and

Resolved further, That the action hereby authorized be confirmed in the next appropriation bill.

By unanimous consent, the resolution was read once and put upon its passage.

The roll was called, and Commission Joint Resolution No. 2 was formally adopted by unanimous vote, the title was agreed to, and the Secretary was directed to request the concurrence of the Assembly in the resolution.

EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 277-279.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

THURSDAY, DECEMBER 19, 1907.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioners Worcester and Legarda.

READING OF JOURNAL.

During the reading of the Journal of Friday, December 13, 1907,

On motion by the President,

The further reading was dispensed with.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Philippine Assembly:

DECEMBER 13, 1907.

SIR: I have the honor to advise you that the following additional committees have been appointed by the Speaker at the Assembly's session of this morning:

Committee on Appropriations.—Hon. Manuel L. Quezon, Hon. Celestino Rodríguez, Hon. Macario Adriático, Hon. José Altavás, Hon. Felipe Agoncillo, Hon. José Clarín, Hon. Alberto Barretto, Hon. Isauro Gabaldón, Hon. Adriano Hernandez, Hon. Dominador Gómez, Hon. Mónico Mercado, Hon. Pedro A. Paterno, Hon. León Ma. Guerrero, Hon. Nicolás Jalandoni, Hon. Rafael Palma, Hon. Alejandro Ruiz, Hon. Aguedo Velarde, Hon. Jaime C. de Veyra, Hon. Eusebio Orense, Hon. Bartolomé Revilla, Hon. Filemón Sotto, Hon. Fernando Ma. Guerrero, Hon. Salvador Laguda, Hon. Vicente Singson, Hon. Angel Roco.

Committee on Banks and Corporations.—Hon. Alberto Barretto, Hon. Cayetano Lukbán, Hon. Adriano Hernandez, Hon. Felipe Agoncillo, Hon. Simeón Mobo, Hon. Deogracias Reyes, Hon. Pedro Rodríguez, Hon. Macario Adriático, Hon. Marcelino Aguas, Hon. Eutiquio Boyles, Hon. Aguedo Velarde, Hon. José Ma. Lerma, Hon. Carlos A. Imperial, Hon. Francisco Soriano, Hon. Leopoldo Rovira.

Committee on Railroads and Franchises.—Hon. Rafael Palma, Hon. Alberto Barretto, Hon. Celestino Rodríguez, Hon. Isauro Gabaldón, Hon. Tomás Aréjola, Hon. Eugenio Picazo, Hon. Mónico Mercado, Hon. Nicolás Jalandoni, Hon. Emilio A. Gala, Hon. Manuel Corrales, Hon. Baldomero Pobre, Hon. Deogracias Reyes, Hon. Salvador Laguda, Hon. Aurelio Pineda, Hon. Leopoldo Rovira.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered filed.

DECEMBER 17, 1907.

SIR: I have the honor to invite your attention to the following resolution adopted by the Assembly on Saturday, December 14, 1907:

"Whereas it was resolved by the Assembly on November thirtieth, nineteen hundred and seven, that the Committee on Relations with the Sovereign Government confer in joint session with the Philippine Commission for the purpose of fixing the date on which the Resident Commissioners to the United States should sail for the United States, and which should not be later than the thirtieth instant; and

"Whereas the Philippine Commission has forwarded to the Assembly its Resolution Numbered Seventeen, which reads as follows: '*Resolved*, That after conference with the subcommittee of the Committee on Relations with the Sovereign Government, Philippine Assembly, it is the sense of the Commission that Honorable Benito Legarda and Honorable Pablo Ocampo, Resident Commissioners to the United States, should leave Manila on their way to the United States in time to connect with the steamship *Mongolia*, leaving Hongkong for San Francisco on December twenty-fourth, nineteen hundred and seven, in order that they may be in Washington during the consideration of the Philippine Tariff Bill.' Now, therefore, be it

"*Resolved*, That it is the sense of the Assembly to adopt the preceding resolution as of its own."

Honorable Benito Legarda and Honorable Pablo Ocampo, Resident Commissioners to the United States, have each been furnished with a copy of this resolution.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered filed.

DECEMBER 16, 1907.

MR. PRESIDENT: I have the honor to advise you that the Assembly has passed the attached Joint Resolution No. 3 (A. J. R. No. 3), in which it requests the concurrence of the Commission.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

To the Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

A. J. R. No. 3. Joint Resolution providing for an enacting clause for all laws which hereafter may be enacted by the Philippine Legislature.

Whereas the Act of Congress of July first, nineteen hundred and two, in section one provides that until otherwise provided by law all laws passed thereafter by the Philippine Commission shall have the following enacting clause: "By authority of the United States, be it enacted by the Philippine Commission;" and

Whereas section seven of said Act of Congress provides that two years after the completion and publication of the census, in case such condition of general and complete peace, with recognition of the authority of the United States, shall have continued in the territory of said Islands not inhabited by Moros or other non-Christian tribes and such facts shall have been certified to the President by the Philippine Commission, the President, upon being satisfied thereof, shall direct said Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands, which shall be known as the Philippine Assembly. After said Assembly shall have convened and organized, all legislative power heretofore conferred on the Philippine Commission in all that part of said Islands not inhabited by Moros or other non-Christian tribes shall be vested in a legislature consisting of two Houses—the Philippine Commission and the Philippine Assembly; and

Whereas the same Act of Congress in paragraph three of section seven, speaking of the Commission and of the Assembly constituting a legislative body, denominates them "Legislature;" and

Whereas once that the legislative power of the Government of the Philippine Islands is vested in the Philippine Commission and the Philippine Assembly it would be improper for the enacting clause of the laws to continue the same as that prescribed in section one of the Act of Congress of nineteen hundred and two; and

Whereas, even though to date no law has been passed by Congress providing for a new enacting clause for the laws, there can be no doubt that its intention could not have been that the enacting clause prescribed in said section one of the Act of Congress referred to should continue to be the same after the Philippine Assembly is constituted: Now, therefore, be it

Resolved by the Philippine Commission and the Philippine Assembly,
That in future all laws which hereafter may be enacted by the Philippine Legislature shall have the following enacting clause:

"By authority of the United States, be it enacted by the Philippine Legislature, that:"

By unanimous consent, the resolution was read once and put upon its passage.

The roll was called, and Assembly Joint Resolution No. 3 was formally adopted by unanimous vote, the title and preamble were agreed to, and the Secretary was directed to notify the Assembly thereof.

DECEMBER 17, 1907.

MR. PRESIDENT: I have the honor to invite your attention to Joint Resolution No. 4 of the Assembly, which is inclosed herewith, and in which the concurrence of the Commission is desired.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

A. J. R. No. 4. Joint Resolution providing that a recommendation be made to the Congress of the United States that it empower the Philippine Legislature to enact a law establishing a day other than that provided by the Act of Congress of July first, nineteen hundred and two, for the opening of the sessions of the Philippine Legislature, and urging prompt action.

Whereas section seven of the Act of Congress of July first, nineteen hundred and two, provides as follows: "The Legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): *Provided*, That the first meeting of the Legislature shall be held upon the call of the Governor within ninety days after the first election;"

Whereas in practice such contingencies may arise as will make impossible the holding of the regular annual sessions on the first Monday of February in each year, as provided in the said section of the Act of Congress of July first, nineteen hundred and two: Now, therefore, be it

Resolved, That a recommendation be made to Congress that it empower the Philippine Legislature to enact a law enabling it to fix a day, in view of the circumstances in each case, other than that set forth by the said Act of Congress of July first, nineteen hundred and two, prompt action being urgent.

By unanimous consent, the resolution was read the first and second times and was then considered by the Commission as in Committee of the Whole.

It was reported to the Commission with the recommendation that it be adopted with the following amendment:

Amend by striking out all following the word "*Resolved*" and inserting in lieu thereof the following: "*by the Philippine Commission and the Philippine Assembly*, That a recommendation be made to Congress that that portion of section seven of the Act of Congress approved July first, nineteen hundred and two, reading—

"The Legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): *Provided*, That the first meeting of the Legislature shall be held upon the call of the Governor within ninety days after the first election: *And provided further*, That if at the termination of any session the appropriations necessary for the support of Government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the Legislature shall act in such behalf the Treasurer may, with the advice of the Governor, make the payments necessary for the purposes aforesaid'—

be amended to read as follows:

"The Legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): *Provided, however*, That the Philippine Legislature may by law fix the date for the commencement of its annual sessions: *And provided further*, That the first meeting of the Legislature shall be held upon the call of the Governor within ninety days after the first election: *And provided further*, That if at the termination of any session the appropriations necessary for the support of Government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the Legislature shall act in such behalf the Treasurer may, with the advice of the Governor, make the payments necessary for the purposes aforesaid;" and

"*Resolved further*, That the Governor-General be, and is hereby, requested to telegraph this recommendation to the honorable the Secretary of War."

The report and recommendation were adopted, and the resolution was ordered on file for third reading.

(For discussion in Committee of the Whole see pp. 371, 372.)

DECEMBER 17, 1907.

MR. PRESIDENT: I have the honor to advise you that the Assembly has passed the attached joint resolution (A. J. R. No. 5), in which it requests the concurrence of the Commission.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

To the Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

A. J. R. No. 5. Joint Resolution authorizing the Resident Commissioners to the United States to have one private secretary each at the rate of four thousand pesos each, payable in monthly installments, in addition to actual and necessary traveling expenses from Manila to Washington and vice versa, once during the term of office of such Commissioners, chargeable to the funds of the Government of the Philippines.

Resolved by the Philippine Commission and the Philippine Assembly, That the Resident Commissioners, representing the Philippine Legislature in the United States, Honorable Pablo Ocampo and Honorable Benito Legarda, may each have in their service, appointed by them, one private secretary who shall, in addition to such other duties as the former may impose upon them, fulfill the duties of a translator and interpreter, each receiving, out of the funds of the Government of the Philippine Islands, the annual compensation of four thousand Philippine pesos, payable in monthly installments as due, in addition to their actual and necessary traveling expenses, only from Manila to Washington and vice versa, once in each two years, that is, during the legal term of office of the Resident Commissioners: *Provided, however,* That, when by authority of the Congress of the United States the payment of these expenses, or a part thereof, shall be made out of the funds of that Congress, the Insular Treasurer shall only pay the difference between the salary and the expenses assigned by this resolution to the said private secretaries and the amount that really and actually shall have been paid by order or authority of Congress.

By unanimous consent, the resolution was read the first and second times, and was then considered by the Commission as in Committee of the Whole.

It was reported to the Commission with the recommendation that it be not adopted, but that the following bill be passed in lieu thereof:

C. B. No. 4. A Bill providing for the employment of private secretaries to the Resident Commissioners to the United States and for the salaries and traveling expenses of said private secretaries.

By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. Each of the Resident Commissioners to the United States is hereby authorized to appoint, without reference to the Civil Service Law and Rules as to examination requirements, a private secretary who, in addition to the other duties required of him by the Resident Commissioner for whom he is private secretary, may be required to act as interpreter and translator for the said Resident Commissioner when necessary.

SEC. 2. Each of said private secretaries shall receive a salary of four thousand pesos per annum and shall be allowed his actual and necessary traveling expenses from Manila, Philippine Islands, to Washington, District of Columbia, and return once in every two years, that is, during the legal term of office of the Resident Commissioner.

SEC. 3. There is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, the sum of five thousand five hundred pesos, or so much thereof as may be necessary, for the payment of the salaries and traveling expenses of the private secretaries hereby authorized for the fiscal year nineteen hundred and eight: *Provided, however,* That should the said salaries and expenses or any part thereof be authorized to be paid out of the Treasury of the United States, the Insular Government shall bear only the sum representing the difference between the amount of the said salaries and expenses hereby authorized and the amount which actually may be paid from funds of the United States Government.

SEC. 4. This Act shall take effect on its passage.

The report and recommendation of the committee were adopted.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass.

It was thereupon ordered on file for third reading.

(For discussion in Committee of the Whole see pp. 372, 373.)

DECEMBER 19, 1907.

MR. PRESIDENT: I have been directed to transmit to the Commission the attached bill (A. B. No. 10), entitled as follows, which passed the Assembly on Thursday, December 19, 1907, and to request the concurrence of the Commission therein: "Bill providing for an appropriation of one million pesos for the construction of schools in the barrios, under certain conditions."

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 10 was read the first and second times, and was then considered by the Commission as in Committee of the Whole.

It was reported to the Commission, with the recommendation that it pass.

It was thereupon ordered on file for third reading.

(For discussion in Committee of the Whole see pp. 373-377.)

ADJOURNMENT.

Thereupon, at 1 o'clock and 20 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, DECEMBER 20, 1907.

The Commission met at the call of the President at 10 o'clock and 45 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioners Worcester and Legarda.

The President stated for the information of the Commission that Commissioner Legarda would leave Manila to-night on his way to the United States to assume his duties as Resident Commissioner.

THIRD READING OF BILLS AND JOINT RESOLUTIONS (OUT OF ORDER).

A. B. No. 10. A Bill providing for an appropriation of one million pesos for the construction of schools in the barrios, under certain conditions.

The bill was read the third time.

The question then being upon its passage, the roll was called, and Assembly Bill No. 10 was unanimously passed.

The title was read and approved.

It was thereupon moved by the President, seconded by Commissioner Forbes, that the English translation of the bill as it passed the Commission be transmitted to the Assembly, with the request that the Assembly give its approval to such translation, to which motion Commissioner Shuster offered an amendment providing that the bill be transmitted to the Assembly with the

information that the same had passed the Commission, but that, before printing the English version of it, it is submitted to the Assembly for their approval.

The amendment was adopted.

The question then being on the motion as amended, the same was carried by unanimous vote.

The Secretary was directed to notify the Assembly accordingly.

RECESS.

At 11 o'clock and 30 minutes antemeridian,

On motion by the President,

A recess was declared for fifteen minutes in order that the Commission might discuss informally with Delegates Agoncillo and Quezon of the Assembly the question of authorizing Mr. John S. Hord, the Collector of Internal Revenue, to go to Washington in the interests of tariff reduction on Philippine products.

RECONVENED.

At 11 o'clock and 45 minutes antemeridian the Commission reconvened.

The President in the Chair.

THIRD READING OF BILLS AND JOINT RESOLUTIONS (RESUMED).

A. J. R. No. 4. Joint Resolution providing that a recommendation be made to the Congress of the United States that it empower the Philippine Legislature to enact a law establishing a day other than that provided by the Act of Congress of July first, nineteen hundred and two, for the opening of the sessions of the Philippine Legislature, and urging prompt action.

The resolution was read the third time.

The question then being upon its passage, the roll was called and Assembly Joint Resolution No. 4 was unanimously passed as amended.

The title and preamble were read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendment.

C. B. No. 4. A Bill providing for the employment of private secretaries to the Resident Commissioners to the United States and for the salaries and traveling expenses of said private secretaries.

(In lieu of Assembly Joint Resolution No. 5.)

The bill was read the third time.

The question then being upon its passage, the roll was called and Commission Bill No. 4 was unanimously passed.

The title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

RECESS.

At 12 o'clock and 30 minutes postmeridian,

On motion by Commissioner Shuster,

The President declared the Commission at recess until 4 o'clock postmeridian.

RECONVENED.

At 4 o'clock postmeridian the Commission reconvened.

The President in the chair.

RESOLUTION.

The following resolution was introduced by the President:

C. R. No. 19. Whereas upon examination of the records the Secretary of the Commission finds that the seal at present used on official documents of the Commission has never been formally authorized by the Commission; and

Whereas such seal is necessary for the attestation of copies of resolutions and excerpts from the minutes and other documents of the Commission, and it is deemed proper that its form shall be prescribed and that a description thereof shall appear in the records of the Commission: Now, therefore, be it

Resolved, That the seal now employed in the attestation of documents and papers of the Commission be, and the same is hereby, approved, and that this approval shall be retroactive so as to cover all prior use of said seal, the same being described as follows: Circular in form, two and one-fourth inches in diameter, corded edge, double marginal circle with plain outside line and beaded inside line, the words "The Philippine Commission" and "Manila" between the said lines, in the center an American eagle rampant, with a seal before its breast, holding an olive branch in its dexter claws and three bolts in its sinister claws, with its head turned toward the olive branch, holding in its beak the legend "E Pluribus Unum" and having its head surmounted by thirteen stars.

The resolution was adopted.

CONCURRENT RESOLUTION.

The following concurrent resolution was also introduced by the President:

C. C. R. No. 2. Concurrent Resolution providing a seal for the attestation of copies of acts, resolutions, and documents of the Philippine Legislature.

Resolved by the Philippine Commission, the Philippine Assembly concurring, That a seal described as follows shall be adopted by the division of legislative records of the Executive Bureau for the attestation of copies of laws and joint and concurrent resolutions and documents of the Philippine Legislature: To be circular in form, two and one-fourth inches in diameter, corded edge, double marginal circle with plain outside line and beaded inside line, between which lines and at the top of the circle to be placed the words "Executive Bureau" with the words "Division of Legislative Records" immediately underneath and close to the same; at the bottom of the circle and between the said two lines to appear the words "Official Seal" and between the words "Division" and "Official" and also between the words "Records" and "Seal" to be a single star; the arms of the Government of the Philippine Islands to appear in the center of the inner circle; and

Resolved further, That the said seal shall be and remain in the custody of the chief of the division of legislative records and shall be affixed to and placed upon certified copies of Acts and joint and concurrent resolutions of the Philippine Legislature and upon such other documents and papers thereof as may require said seal, in the discretion of the Executive Secretary.

By unanimous consent, the resolution was read once and put upon its passage.

The roll was called, and Commission Concurrent Resolution No. 2 was formally adopted by unanimous vote, the title was agreed to, and the Secretary was directed to request the concurrence of the Assembly in the resolution.

MISCELLANEOUS COMMUNICATIONS.

The President presented a petition signed by Eugenio Sevilla and fifty-six other electors of the barrio of La Libertad, municipality of Tayasan, Province of Oriental Negros, praying that the said barrio be separated from the said municipality and constituted an independent municipality, and that should there be a surplus in the treasury of the municipality of Tayasan at the close of the present year a proportional part thereof be presented to the new municipality of La Libertad if established.

Ordered, That the petition be referred to the Committee on Municipal and Provincial Governments, inviting attention to the provisions of Act No. 1748 and suggesting that the committee make its recommendations to the Governor-General, who may under the law act on this matter administratively.

The President presented a communication from the president of the Philippines Carnival Association, suggesting that the Insular Government be represented by a float in the form of a "Ship of State" in the land parade to be given by the association, the estimated cost of the same being ₱1,000.

It was moved by the President and seconded by Commissioner Forbes that a committee of one be appointed to confer with the Carnival Committee of the Assembly as to the advisability of making the appropriation involved.

The motion prevailed.

The President thereupon appointed Commissioner Tavera as a committee of one for the purpose stated.

EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 279, 280.)

ADJOURNMENT.

Thereupon, at 5 o'clock and 20 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

MONDAY, DECEMBER 23, 1907.

The Commission met at the call of the President at 3 o'clock and 30 minutes postmeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Philippine Assembly:

DECEMBER 23, 1907.

MR. PRESIDENT: I have the honor to invite your attention to the attached joint resolution (A. J. R. No. 7), which was approved by the Assembly on Saturday, December 21, 1907, and in which the concurrence of the honorable Commission is desired.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

To the Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

A. J. R. No. 7. Joint Resolution expressing the high appreciation of the Philippine Commission and of the Philippine Assembly merited by the memory of Doctor Rizal and the patriotic sentiments of the Philippine people.

Whereas the thirtieth day of the current month of December reminds the Philippine people of one of the most memorable dates of their national history, that on which ten years ago, that is, on the thirtieth of December, eighteen hundred and ninety-six, the great patriot Doctor José Rizal offered his life in a holocaust for his Fatherland; and

Whereas the uninterrupted and public commemoration of this historic

event, now exalted to the category of great national deeds, in making patent the sentiments of the Philippine people, constitutes a solemn invitation that all who do not consider themselves foreign to the fate and to the interest of that people shall make manifest their desires in connection with those of the people, unequivocally and constantly expressed: Now, therefore, be it

Resolved by the Philippine Commission and the Philippine Assembly, That the unanimous feeling of both Houses is that of a loyal, full, and true adhesion to popular sentiments in whose demonstration of admiration, respect, and affection for the great Philippine patriot said Houses do join, thereby showing the high appreciation deserved of them by the unforgettable memory of Doctor José Rizal and by the patriotic sentiments of the Philippine people.

By unanimous consent, the resolution was read once and put upon its passage.

The roll was called, and Assembly Joint Resolution No. 7 was formally adopted by unanimous vote, the title and preamble were agreed to, and the Secretary was directed to notify the Assembly thereof.

CONCURRENT RESOLUTION.

The following concurrent resolution was introduced by the President:

C. C. R. No. 3. Concurrent Resolution providing that neither House of the Legislature may adjourn for a period exceeding three days without the consent of the other.

Whereas it has been informally suggested by the Philippine Assembly that some rule should be adopted requiring the continuance in session of both Houses and prohibiting the adjournment of either House without the consent of the other during the time fixed by Congressional enactment for the holding of sessions; and

Whereas it seems proper that neither House should adjourn without the consent of the other for a longer period than three days: Now, therefore, be it

Resolved by the Philippine Commission, the Philippine Assembly concurring, That neither House, during any regular or special session period fixed by the Act of Congress of July first, nineteen hundred and two, shall, without the consent of the other, adjourn for more than three days exclusive of Sundays and holidays; and in case of disagreement between them with respect to the period of adjournment that the Governor-General may adjourn them to such time as he shall deem proper.

By unanimous consent, the resolution was read once and put upon its passage.

The roll was called, and Commission Concurrent Resolution

No. 3 was formally adopted by unanimous vote, the title and preamble were agreed to, and the Secretary was directed to request the concurrence of the Assembly therein.

EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

At 4 o'clock and 30 minutes postmeridian, after fifteen minutes in executive session, the Commission returned to regular session.

INTRODUCTION OF BILL.

The President presented for consideration a bill entitled as follows:

C. B. No. 5 A Bill to amend section six of Act Numbered Fifteen hundred and eighty-two, known as the Election Law, by providing an annual salary for the Speaker of the Philippine Assembly and by increasing the per diems of Delegates to the Assembly.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass.

Commissioner Shuster moved the third reading of the bill immediately. The motion was seconded by Commissioner Forbes, and being put to a vote was unanimously carried. At the direction of the President, the bill was thereupon read the third time by its title only.

The question then being upon its passage, the roll was called and Commission Bill No. 5 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

ADJOURNMENT.

Thereupon, at 4 o'clock and 50 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

TUESDAY, DECEMBER 31, 1907.

The Commission met at the call of the President at 4 o'clock postmeridian.

There being no objection, the calling of the roll was dispensed with.

READING OF JOURNALS.

The Journals of Thursday, December 19, Friday, December 20, and Monday, December 23, 1907, were read and approved.

ADJOURNMENT.

Thereupon, at 5 o'clock postmeridian,

On motion,

The Commission adjourned to meet again on Thursday, January 2, 1908, at such hour as might be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

THURSDAY, JANUARY 2, 1908.

The Commission met at the call of the President at 9 o'clock and 50 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNAL.

The Journal of Tuesday, December 31, 1907, was read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Philippine Assembly:

DECEMBER 18, 1907.

MR. PRESIDENT: I have the honor to advise you that the following additional committees were appointed by the Speaker at the Assembly's session of December 16, 1907:

Committee on Posts and Telegraphs.—Hon. Nicolás Jalandoni, Hon. Crispín Oben, Hon. Lorenzo Fenoy, Hon. Luciano Sinko, Hon. Tomás Almonte, Hon. Casiano Causing, Hon. Nicanor Padilla, Hon. Santiago M. Patero, Hon. Eusebio Orense, Hon. Vicente Locsin, Hon. Francisco Zandueta.

Committee on Revision of Laws.—Hon. Aguedo Velarde, Hon. Eusebio Orense, Hon. Marcelino Aguas, Hon. Felipe Agoncillo, Hon. Vicente de Vera, Hon. Irineo Javier, Hon. Andrés Asprer, Hon. Gabriel Lasam, Hon. Amando Avanceña, Hon. Antonio Jayme, Hon. Salvador K. Demeterio, Hon. Luciano Sinko, Hon. Bartolomé Revilla, Hon. Pedro Jimenez, Hon. Salvador Laguda.

Committee on the City of Manila.—Hon. Fernando Ma. Guerrero, Hon. Dominador Gómez, Hon. Regino Dorillo, Hon. Celestino Rodriguez, Hon. Bartolomé Revilla, Hon. Antonio Jayme, Hon. Nicasio P. Claravall.

Joint Committee on Printing.—Hon. Angel Roco, Hon. Troadio Galicano, Hon. Salvador K. Demeterio, Hon. Irineo Javier, Hon. Cayetano Lukbán.

Committee on Enrolled Bills.—Hon. Eusebio Orense, Hon. Lorenzo Fenoy, Hon. Honorio Rosales, Hon. Juan Villamor, Hon. Dionisio Mapa, Hon. Quiremón Alkuino, Hon. Vicente Loesin.

Committee on the Construction of the Capitol.—Hon. Pedro A. Paterno, Hon. Dionisio Mapa, Hon. Nicanor Padilla, Hon. Regino Dorillo, Hon. Pedro Rodríguez, Hon. Alejandro Rutz, Hon. Carlos A. Imperial, Hon. Pedro Chaves, Hon. Juan Alvear, Hon. Cayetano Lukbán, Hon. Nicasio P. Claravall.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

On motion by Commissioner Shuster, seconded by Commissioner Forbes,

Referred to the Committee on Rules of the Commission, inviting the attention of the committee to the appointment by the Assembly of a Joint Committee on Printing and a Committee on Enrolled Bills, and instructing the Committee on Rules of the Commission to make report and recommendation of the action to be taken by the Commission with reference to similar committees, after conference, if practicable, with the Committee on Rules of the Assembly.

DECEMBER 18, 1907.

MR. PRESIDENT: I have the honor to advise you that the following additional committee was appointed by the Speaker at the Assembly's session of November 18, 1907:

Committee on Internal Government.—Hon. Matías Gonzalez, Hon. José A. Clarín, Hon. Andrés Asprer, Hon. Mónico Mercado, Hon. León Ma. Guerrero, Hon. Amando Avanceña, Hon. Angel Roco.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered filed.

DECEMBER 31, 1907.

MR. PRESIDENT: I have the honor to return herewith the attached Bill No. 5 of the Commission, entitled "An Act to amend section six of Act Numbered Fifteen hundred and eighty-two, known as the Election Law, by providing an annual salary for the Speaker of the Philippine Assembly

and by increasing the per diems of Delegates to the Assembly," which was concurred in by the Assembly, without amendment, December 28, 1907.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered, That Commission Bill No. 5 be enrolled and printed as an Act of the Legislature.

DECEMBER 31, 1907.

MR. PRESIDENT: I have the honor to forward the attached bill (A. B. No. 88), entitled "An Act extending until December thirty-first, nineteen hundred and eight, the time within which real property which has been forfeited to municipalities for nonpayment of taxes may be redeemed," which passed the Assembly December 31, 1907, and in which the concurrence of the honorable Commission is desired.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 88 was read the first time and

On motion by Commissioner Shuster, seconded by Commissioner Forbes, was

Referred to the President of the Commission as a select committee of one for report and recommendation.

DECEMBER 21, 1907.

MR. PRESIDENT: I have the honor to inform you that the Assembly has passed the inclosed Joint Resolution (A. J. R. No. 6) on Thursday, December 19, 1907, in which it requests the concurrence of the Commission.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

A. J. R. No. 6. Joint Resolution giving instructions to the Resident Commissioners in the United States as regards the abolition of the Dingley Tariff and other matters.

Resolved by the Philippine Commission and the Philippine Assembly:

1. That the Commissioners of the Philippine Legislature, resident in the United States, shall secure from the Congress of the United States the abolition of the Dingley Tariff in the following goods or merchandise, and under the conditions hereunder specified:

(a) In sugar, restricting importation, for the purposes of the abolition of the said tariff, to four hundred thousand tons.

(b) In leaf tobacco, to six hundred thousand pounds of leaf tobacco, suitable for coverings or wrappers, and to six million pounds of leaf tobacco, for fillers.

(c) In manufactured tobacco, of cigarettes and *picadura* manufactured in the Philippines, and of cigars manufactured in the Philippines, or, restricted at the most, to the quantity of one hundred and fifty million cigars.

(d) Unlimited entry of hats and textiles manufactured in this country, and of manufactured abacá.

2. That the said abolition of the tariff be secured without special concessions.

3. That the said Commissioners shall also secure the modification of paragraphs two hundred and forty-two et sequentia of the Act of Congress of March third, nineteen hundred and five, relative to "apparatus and machinery," so that agricultural and industrial machinery may enter duty free on importation to these Islands, whatever be its origin.

4. That the said Commissioners undertake that the suspension of the enforcement in the Philippines of the Frye Bill be for an indefinite time.

5. That the said Commissioners petition the Congress of the United States to empower the Philippine Government to make commercial treaties, in its discretion, with other countries: *Provided*, That the exercise of said power shall be on the condition of "ad referendum" to the Government of the United States.

Assembly Joint Resolution No. 6 was read the first time. It was thereupon moved by Commissioner Shuster, seconded by Commissioner Forbes, that the same be referred to a select committee of the Commission to be appointed by the President, who shall be chairman thereof, with instructions to confer with the Committee on Relations with the Sovereign Government, Philippine Assembly, with reference to the provisions of the resolution, and thereafter to make report and recommendation to the Commission.

The motion prevailed.

The President thereupon appointed Commissioners Tavera, Luzuriaga, and Shuster as the other members of such committee.

REPORT OF SELECT COMMITTEE (OUT OF ORDER).

[Committee Report No. 5.]

DECEMBER 17, 1907.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred on October 23, 1907, certain correspondence relating to the construction by the provincial authorities of Bulacan of a dormitory for the provincial high school at Malolos without first having invited bids by advertising in accordance with

law, which correspondence contains a request for the approval of such construction by the Commission in order to raise the suspension by the Insular Auditor in the accounts of the provincial treasurer of said province, has examined the correspondence and respectfully reports the same back with the attached proposed resolution, the adoption of which is recommended.

Very respectfully,

W. CAMERON FORBES,
*Committee on Matters Pertaining to the
Department of Commerce and Police.*

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

C. C. R. No. 1. Concurrent Resolution approving the action of the provincial board of Bulacan in constructing the dormitory for the provincial high school without first applying for bids.

Whereas, in July, nineteen hundred and six, the provincial board of Bulacan erected a dormitory for the provincial high school at Malolos, at an estimated cost of two thousand pesos, without having first invited bids for contracts by advertisement; wherefore the payment was disallowed by the Insular Auditor as contrary to section fifteen of Act Numbered Eighty-three and section five of Act Numbered Fourteen hundred and one; and

Whereas the work and materials were obtained at a reasonable price; and

Whereas the cost of this dormitory was met entirely from provincial funds, and its construction of Oregon pine and suale instead of native wood and permanent materials seems not to have been contrary to the printed instructions of the Director of Education to the division superintendents regarding materials to be used in school buildings, which related only to those buildings constructed from funds provided under Acts Numbered Twelve hundred and seventy-five and Fifteen hundred and eighty: Now, therefore, be it

Resolved by the Philippine Commission, the Philippine Assembly concurring, That the action of the provincial board of Bulacan in constructing the dormitory for the provincial high school at Malolos without first applying for bids for the same is hereby approved, and the Committee on Appropriations is hereby instructed to include provision for the confirmation of this action in the next appropriation bill.

By unanimous consent, the resolution was read once and put upon its passage.

The roll was called, and Commission Concurrent Resolution No. 1 was formally adopted by unanimous vote, the title and preamble were agreed to, and the Secretary was directed to request the concurrence of the Assembly in the resolution.

MISCELLANEOUS COMMUNICATIONS (OUT OF ORDER).

The President presented a communication from Right Reverend Jeremiah J. Harty, archbishop of Manila, which was read and ordered spread upon the minutes, as follows:

ARCHBISHOP'S HOUSE,

Manila, P. I., November 30, 1907.

To the Honorable Governor-General, the United States Philippine Commission, and the Philippine Assembly, Manila.

GENTLEMEN: There has recently been enacted by the Honorable Philippine Commission a law which, by reason of its undoubted far-reaching moral effect upon the inhabitants of the entire Archipelago, is perhaps the most important measure yet passed by that body. I refer to Act No. 1773, which provides for the public prosecution of the so-called private crimes—adultery, seduction, abduction, rape, and slander. Having learned that this law is being assailed with a view to its repeal, I beg leave to make a brief statement thereupon.

The objections usually aimed at the law, concretely set out, are as follows:

First. That individuals may now be made to suffer for offenses which they have never committed.

Now, in the first place, there is no innovation in this Act that can affect the trial of a man accused of any of the crimes mentioned. The rules of proof stand as they were, so that if an accused be found guilty, he would likewise have been found guilty of the same offense before the new law was enacted; besides, these crimes are not now differently defined. The only real change effected by the law is that, when a criminal proceeding is once instituted, it can not be withdrawn except at the instance of the public prosecutor, or in certain cases by marriage.

The second ground for objection is that illicit cohabitation should not be prosecuted at the instance of private citizens of the neighborhood or of the public prosecutor.

Even accepting the view thus expressed, there would still be no room for criticising the law, since the law does not make it possible to prosecute for adultery or seduction except upon the complaint of the injured woman, or, in the case of adultery, upon the complaint of the husband. The law has not made it possible for overzealous prosecutors or malicious neighbors to institute criminal proceedings against persons for shortcomings that perhaps might better not be known to the public, and which, if not prosecuted, might never become known, and also might never be repeated.

The third objection advanced is that prosecutions may be instituted under this Act with sinister motives.

This is a matter which does not require the attention of the legislator, or of the community, but of the judiciary. In cases of this kind there is, it is true, at times an element of danger; that, of course, is inevitable. However, that courts in prosecutions of this nature must proceed with care

is also a long-established and well-known fact. An honest judge giving the accused the benefit of reasonable doubt will commit no injustice.

Fourth. The critics of this measure seem to deny the right of a community by appropriate legislation to compel its citizens to observe the ordinary rules of decency.

It has, of course, been too long a well-established principle that a community has the right to compel its citizens to not flaunt in the public eye examples that may have a deleterious effect upon the population, to need any argument at this time.

In conclusion, I believe the Filipino's innate love of a pure and wholesome home life constitutes a sufficient barrier against the revocation of a measure so wisely enacted for safeguarding the body politic.

Very respectfully,

JEREMIAH J. HARTY, *Archbishop of Manila.*

On motion by Commissioner Tavera, seconded by Commissioner Shuster,

The Secretary was directed to file the foregoing communication, after acknowledging receipt of same and informing the Archbishop of Manila that the views expressed therein are concurred in by the Commission.

The following communications were also presented by the President:

A communication from the Attorney-General, dated November 8, 1907, informing the Governor-General that, acting under the authority conferred upon him by Act No. 1724, he had entered into a stipulation with Jeremiah J. Harty, archbishop of Manila, representing the Roman Catholic Church in the Philippine Islands, with full authority from the Holy See to settle the action pending in the Court of First Instance of the city of Manila, wherein the said Jeremiah J. Harty, archbishop, and the religious corporation of the Franciscan Fathers had been plaintiffs, fully settling the controversy over the San Lazaro estate, and which had authorized and requested the judge of the Court of First Instance to enter a consent decree in accordance with the stipulation so entered into based upon the contract of settlement made by Archbishop Harty and the Secretary of War at Washington, and that the said stipulation had been presented to the Honorable Manuel Araullo, judge of the Court of First Instance of the city of Manila, and that a consent decree settling the title to the San Lazaro estate had been entered in accordance with the conditions of such stipulation.

Copies of stipulation and consent decree were inclosed.

On motion, by Commissioner Forbes,
Ordered filed.

A communication from Alberto Barretto, attorney for D. Cecilio Lopez and D. Feliciano Basa, offering the sum of ₱3,000 to compromise the suit of the Insular Government for the recovery of certain property on Calle Lavezares, district of Tondo, city of Manila, held by his clients and claimed by the Insular Government.

This communication was indorsed by the Attorney-General, discussing the proposition and recommending that the terms of compromise offered be favorably considered, and also indorsed by the Director of Lands, declining to concur in the recommendation of the Attorney-General, for certain stated reasons.

Ordered, That the papers be referred to the Committee on Matters Pertaining to the Department of the Interior, for report and recommendation.

The President presented the following communications, in the absence of Commissioner Worcester, to whose Department they appertain:

A resolution (No. 4) of the assembly of township presidents of the Province of Nueva Vizcaya, dated November 11, 1907, as follows:

Resolved, That, through the provincial board, the proper authority be entreated to empower the councils of the townships of this province to oblige the residents to plant corn, mongo, and other cereals which give good results, in the rice fields after the palay is harvested, thus obtaining two crops a year on the same ground and sowing alternate crops to avoid deterioration of the said fields, with the penalty of a fine of one peso on those who shall not comply, and in case of insolvency five days' imprisonment; and that the money so collected in concept of fines shall be used for the purchase of seeds which shall be distributed among the people, for the exclusive purpose of sowing the same in the aforesaid fields, and for premiums to those who obtain the best results in their crops.

Ordered, That the Secretary be, and is hereby, instructed to inform the township presidents of Nueva Vizcaya, through the provincial board of said province, that the Commission is of the opinion that the enactment of a law obliging residents of the province to plant any particular crop, under penalty, would be an invasion of personal liberty, and therefore illegal and void, and that thereupon the papers be filed.

A resolution (No. 10) of the assembly of township presidents

of the Province of Nueva Vizcaya, dated November 11, 1907, as follows:

Resolved, That the proper authority be requested to organize another company of Constabulary to be stationed in the Igorot district of this province, for the protection and prompt civilization of said district.

Commissioner Worcester had indorsed this resolution to the effect that the insufficiency of the present force of Constabulary in the province is true, in so far as it concerns active measures for extending the work of civilization among the wild people, and that the present force was barely sufficient to hold the territory already occupied.

On motion by Commissioner Shuster, seconded by Commissioner Forbes,

Further consideration of the matter was indefinitely postponed, and the Secretary was directed to inform the township presidents of Nueva Vizcaya, through the provincial board of said province, of the action taken, and that the present condition of the finances of the Insular Government will not permit of the organization of additional Constabulary.

A resolution (No. 1) of the assembly of township presidents of the Province of Nueva Vizcaya, dated November 11, 1907, as follows:

Resolved, That for the purpose of aiding and stimulating immigration into this province, a responsible person be delegated to visit other provinces to explain the natural advantages of Nueva Vizcaya;

That all persons who establish themselves in this province with the intention of fixing here their bona fide residence, be exempt from the payment of property tax and road tax for the first two years of their residence in the province;

That the Land Act be amended to the effect that every adult native colonist may take up 6 hectares of public land, and that title to said land be granted gratuitously after five years' residence on and improvement of the same.

Commissioner Worcester had indorsed this resolution to the effect that he had no objection to the exemption of immigrants to the Province of Nueva Vizcaya from the payment of property tax or head tax for the period of two years. He doubted, however, whether this measure would be of any special value in increasing immigration, inasmuch as it would call attention to the fact that by going to Nueva Vizcaya immigrants would, after a period of

two years, be subject to the payment of two taxes which they now escape in provinces other than those organized under the Special Provincial Government Act.

On motion by Commissioner Shuster, seconded by Commissioner Forbes,

Further consideration of the matter was indefinitely postponed.

A communication from the Director of Lands to the Secretary of the Interior, objecting to the transfer to the Province of Cebu of certain lands pertaining to the Banilad friar estate, the purpose of said transfer being to form a school center.

On motion,

Referred to the Committee on Matters Pertaining to the Department of Public Instruction.

Commissioner Forbes presented a petition from certain owners of real estate in the districts of Ermita and Malate, city of Manila, abutting on Manila Bay, complaining of damage alleged to be caused to their properties by reason of the dredging in progress in Manila Bay, and requesting that a committee be appointed to examine into the matter, with a view of devising some means whereby the injuries in question may be prevented or abated.

In presenting this petition, Commissioner Forbes stated that he had directed that an engineer be detailed from the Bureau of Navigation to make a study of the damage alleged in the petition, and submitted the following report from the Director of the Bureau:

This matter has been gone into very carefully, and I have the honor to report as follows:

The nearest dredging that has been done is about five-sixteenths of a mile from the beach, from which it can readily be seen that the dredging in the new harbor is too far from the walls in question to have had any effect on the beach in front of them. An examination of the sounding maps showing soundings that were made off Ermita and Malate beaches in May, 1900 and 1905, show practically no difference in the depth of the water between the two dates. The statement that the beach has receded to a great extent in recent years can not apply to the time since American occupation. There are photographs existing showing the coast of Manila in the early days, and one taken on August 13, 1898, at the point in question shows soldiers wading in the water up to their waists. In those days there was about 50 feet of exposed beach at low tide. From the evidences of shoaling, as shown first at the old east breakwater and afterwards at the eastern side of the Luneta Extension, the recent harbor improvements have had a tendency to increase the width of the beach rather than to cut it away.

Probably the cause of failure of these walls is the lack of careful pointing with hydraulic cement and the fact that lime mortar disintegrates in sea water and will not last any length of time. The storm waters have apparently carried away the back filling and the walls have fallen inward.

As the proposed Cavite boulevard—authorized by Act No. 1745—will obviate the necessity of the walls in the rear of the Malate property, it would appear that this petition requires no further action.

On motion by Commissioner Forbes, seconded by the President,

Further consideration of the petition was indefinitely postponed, and the Secretary was directed to inform the petitioners that funds have been appropriated and surveys are nearing completion for the construction of a boulevard along the beach in question, and that unless there be some change in existing plans the project will be carried through and will furnish the protection prayed for.

The Secretary read the following resolution, adopted by the provincial board of Bataan on December 24, 1907:

Whereas the provincial board of Bataan has learned of the first bills and resolutions passed by the Philippine Legislature, copies of which have been forwarded to this government by the Honorable J. M. Lerma, Delegate from Bataan: Be it

Resolved, That a vote of thanks be tendered to the said honorable Delegate for the interest he shows on behalf of his province, and a warm congratulation to both legislative houses for the passage of such wise measures which meet the necessities of the Filipino people during the present circumstances of economic crisis.

Ordered, That the communication be filed, after proper acknowledgment thereof by the Secretary.

The Secretary read a telegram from the lieutenant-governor of Catanduanes, conveying to the Commission the compliments of the season.

Ordered. filed.

At the direction of the President, the Secretary read the following as one of the recommendations to be included in the report of the Commission for the year 1907:

Twelfth. That proper legislation be enacted authorizing the Insular Government to make loans to provinces and that the provinces be empowered to borrow money for public works from the Postal Savings Bank Investment Board or from funds held in trust as sinking funds, such loans to be made upon the approval of the Governor-General without the concurrence of the Assembly, as, if such concurrence were required, long delays would be unavoidable and during the recess of the Assembly it

would be impossible to take any favorable final action upon any request for a provincial loan.

On motion by the President, seconded by Commissioner Forbes, Referred to a select committee, with instructions to prepare in proper form the amendment desired to existing Congressional law which will permit municipalities and provinces to borrow moneys for public works and permanent improvements from funds held in trust as sinking funds and from Postal Savings Bank funds; such amendment to be submitted to the Commission at an early session.

The President thereupon appointed Commissioners Forbes and Shuster as such committee.

RESOLUTION (OUT OF ORDER.)

The following resolution was introduced by Commissioner Forbes:

C. R. No. 20. *Resolved*, That the President of the Commission be, and is hereby, requested to appoint a successor to Commissioner Legarda on the Committee on Parks and Park Reservations of the City of Manila.

The resolution was adopted.

The President thereupon appointed Commissioner Tavera as a member of the said committee, vice Commissioner Legarda, relieved at his own request by reason of his departure for the United States to assume his duties as Resident Commissioner.

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet at 10 o'clock and 30 minutes antemeridian of Friday, January 3, 1908:

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, JANUARY 3, 1908.

The Commission met pursuant to adjournment.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNAL.

During the reading of the Journal of Thursday, January 2, 1908,

On motion by Commissioner Shuster,

The further reading was dispensed with.

SPECIAL ORDER SET (OUT OF ORDER).

On motion by Commissioner Shuster, seconded by Commissioner Tavera,

The consideration of the completed work of the Compilation Committee (without the index) was made a special order for Monday, January 6, 1908, at 9 o'clock antemeridian.

REPORT OF SELECT COMMITTEE (OUT OF ORDER).

[Committee Report No. 6.]

MR. PRESIDENT: Your select committee, to whom was referred on January 2, 1908, Assembly Bill No. 88, entitled "A bill extending until December 31, 1908, the time within which real property which had been forfeited to municipalities for nonpayment of taxes may be redeemed,"

examined the same and respectfully reports it back to the Commission with the following remarks:

As this Act is an amendment to Act No. 1298 as amended by Acts Nos. 1470 and 1593, section 1 should be amended by inserting after the words "Section 1" the following:

"Section two of Act Numbered Twelve hundred and ninety-eight, as amended by Acts Numbered Fourteen hundred and seventy and Fifteen hundred and ninety-three, is hereby further amended to read as follows:

"SEC. 2. * * *."

As nine-tenths of the property confiscated for nonpayment of taxes has never been deeded to the municipalities, the words "and deeded" in line 2 and "and deeded to municipalities" in line 3 should be stricken out, so that the Act will apply to all forfeited property, whether deeded or not. In lieu of the words stricken out in line 3 the words "to the Government" should be inserted.

The words "The provisions of sections eighty-one and eighty-two of Act Numbered Eighty-two, entitled 'The Municipal Code'" in lines 4 and 5 should be stricken out, as these sections were repealed by section 21 of Act No. 1791. As section 79 of the Municipal Code, as amended, provides a different method for disposing of forfeited property and it may now be disposed of under either old sections 81 and 82 or new section 79, according to the date of forfeiture, it is suggested that the words stricken out be substituted by the word "law."

After the word "thereof" in line 6 insert the words "or his legal representative," as in many cases the original owner is now dead.

In line 8, after the word "taxes," should be inserted "and penalties," as both taxes and penalties should bear interest at 6 per cent. For this reason the words "penalties and" in line 11 should be stricken out.

After the word "owner" in line 12 insert the words "or his legal representative."

After the word "owner" in line 1, page 2, insert the words "or his legal representative."

Section 2 of this bill should be stricken out, as it accomplishes nothing. Section 1 of Act No. 1298 therein referred to contains a clause (d) which provides that the section shall be null and void upon the completion of the next general assessment, and the assessment therein referred to was completed July 31, 1907.

Attention is invited to the fact that this is the third extension of time made for this purpose, and means that the owners of property forfeited for 1902 taxes will have had seven years within which to pay their taxes.

Very respectfully,

JAMES F. SMITH,

Select Committee on Assembly Bill No. 88.

The PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

The report of the select committee on Assembly Bill No. 88 was accepted, and the amendments therein recommended were adopted.

By unanimous consent, the bill as amended was thereupon read

the second time and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it pass.

Commissioner Shuster moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried. At the direction of the President, the bill was thereupon read the third time by its title only.

The question then being upon its passage, the roll was called, and Assembly Bill No. 88 as amended was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

MESSAGE FROM THE ASSEMBLY.

DECEMBER 26, 1907.

MR. PRESIDENT: I have the honor to forward the attached bill (A. B. No. 82), entitled "A Bill providing for the amendment of Act No. 1537 of the Philippine Commission, as amended by Act No. 1599 of the said Commission, in which it is provided that no horse races shall be held on the 30th day of December, commonly known by the name of Rizal Day," in which the concurrence of the honorable Commission is desired.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 82 was read the first time.

On motion by Commissioner Shuster, seconded by Commissioner Luzuriaga,

The bill was then referred to the President of the Commission as a committee of one for report and recommendation.

MISCELLANEOUS COMMUNICATIONS.

The President (for Commissioner Worcester) presented a communication received from William H. Anderson & Co., addressed to the Director of Health and dated October 26, 1907, in which, among other things, information is requested as to whether the Meat Inspection Act of June, 1906, is not in force in the Philippine Islands.

This communication was indorsed by the Attorney-General, under date of November 20, 1907, in which indorsement he stated

that he was of the opinion that while the Meat Inspection Act as amended by the Act of Congress of June 30, 1906, was made applicable to these Islands it is inoperative here, because there was no previously established machinery of the Insular Government for the enforcement of said Act, and that in order to enforce its provisions in these Islands it would appear to be necessary for Congress to take some action to the effect that the said Meat Inspection Act of the United States in force in the Philippine Islands shall be administered by the officers of the General Government of said Islands designated by proper legislation of said Government, and the Legislature might then provide the necessary machinery to render the Act operative.

It was further indorsed by the Secretary of the Interior, to the effect that in his opinion the same reasons existed for reenacting the Meat Inspection Act which led to the reenactment of the Pure Food Act.

It was moved by Commissioner Forbes, seconded by Commissioner Shuster, that the papers be returned to the Secretary of the Interior inviting attention to the fact that the Commission has had no official notice of the passage by Congress of the Act in question, and that in the opinion of the Commission no action should be taken in the matter until the said Act is officially received from Washington for proclamation in these Islands.

The following communications were also presented by the President:

A petition from Jose A. Astorga and eighteen others of the Province of Leyte, praying that Act of the Philippine Commission No. 1627 be amended so as to provide that auxiliary justices as well as justices shall attend the annual assemblies called by the judge of First Instance of their district; that the justices of the peace receive fixed salaries equal to those permitted by law for the presidents of their respective municipalities; and that the assemblies be held in each judicial district with the attendance of all the justices and auxiliary justices of the district, the judge of the said district fixing the time and place for such assemblies.

On motion by the President, seconded by Commissioner Luzuriaga, it was

Resolved, That the Secretary be, and is hereby, directed to inform the petitioners that the Commission recognizes the force of the arguments advanced in their petition, and would be very glad to give

effect to all of the recommendations made if it were not for the fact that the burden of expense would be greater than the present financial resources of the Government would permit; that it is possible that after a year's experience with the present law it will be found practicable to fix the salaries of justices commensurate with receipts from justice of the peace courts; and that it appears to the Commission that at the present time auxiliary justices, when acting as justices, have the right to attend the assemblies of justices.

A petition signed by Antonio M. Sison and sixty-nine others, real-estate owners, industrials, and merchants of the Province of Pangasinan, praying that the Commission direct a change in the site of the projected provincial school building in the municipality of Lingayen.

On motion by the President, seconded by Commissioner Shuster, it was

Resolved, That the Secretary be, and is hereby, directed to inform the petitioners that it appears to the Commission that the present site of the school was selected by the provincial board; that contracts for the work have already been let and the construction commenced, the corner stone of the building having been recently laid; and that it is the sense of the Commission that the selection of this site was strictly within the powers of the provincial board, in the exercise of their provincial autonomy and discretion.

Ordered, That further consideration of the petition be indefinitely postponed.

Commissioner Shuster presented a communication from Santos & Jaehrling, wholesale and retail druggists of Manila, complaining that Act No. 1761, passed October 10, 1907, among other things prohibiting the use of cocaine on and after October 17, 1907, failed to allow sufficient time for the disposition of imports of the drug, and praying that some action be taken by the Commission which will protect petitioners from financial loss.

The petition was accompanied by the following communication from Commissioner Shuster:

NOVEMBER 14, 1907.

SIR: I have the honor to transmit herewith a petition for relief presented by Messrs. Santos & Jaehrling, wholesale and retail druggists of this city.

Petitioners set forth that Act No. 1761 of the Commission, passed October 10, 1907, which prohibits the use of cocaine on and after October 17, 1907, except upon the prescription of a duly licensed and practicing

physician, has left them with some 3 kilos on hand, and some 17 kilos more of said drug in transit, of which they will now be practically unable to dispose. They state that they will be unable to dispose of this amount of cocaine on doctors' prescriptions in less than twenty years, and argue that as the anti-cocaine law was enacted without due notice or giving them time to dispose legally of their merchandise, they should be protected by the Government from financial loss.

The undersigned suggested to them that when the 17 kilos now in transit arrive at Manila, they should be entered in bond for reexportation, but Messrs. Santos & Jaehrling state that they have bought these goods at a certain price and that if they tried to dispose of the same outside the Philippine Islands, they would have to take a substantial loss in price, in addition to the freight both ways and other expenses of the shipment.

Section 19 of Act No. 597 of the Philippine Commission, passed January 26, 1903, provides that:

"Every person who dispenses, sells, or delivers any of the following poisons, to wit: * * * cocaine, * * * shall make or cause to be made in a book kept for the purpose of recording the sale of such poisons an entry stating the date of each sale and the name and address of the purchaser, the name and quantity of the poison sold, and the purpose for which it was claimed to be purchased, before delivering it to the purchaser. He shall not deliver any such poison to any person without satisfying himself that such person is aware of its poisonous character, and that the poison is to be used for a legitimate purpose, * * *."

The petitioners in this case have apparently been selling and expecting to continue selling large quantities of cocaine to persons intending to use the same for inhaling, snuffing, chewing, swallowing, or injecting it, without the prescription of a physician, in other words, to victims of the "cocaine habit." The question arises whether this is a "legitimate purpose" within the meaning of section 19 of Act No. 597, above quoted. The undersigned has been unable to find any other prohibition on the sale or use of cocaine, prior to the operation of Act No. 1761 on October 17, 1907. The opinion is ventured that, legally speaking, a "legitimate purpose," within the meaning of the law above quoted, would be *any purpose* not prohibited or punished by some law. If this view be correct, Messrs. Santos & Jaehrling were legally, if not morally, justified in selling cocaine to victims of the drug habit. Whether the moral aspect of pandering for profit to the depraved tastes of unfortunate persons should affect the granting of legislative relief, is a question on which the undersigned expresses no opinion. It does appear clear that Messrs. Santos & Jaehrling will suffer some financial loss through the comparatively short time which elapsed between the passage and the entering into effect of Act No. 1761, prohibiting the sale or use of cocaine except upon a physician's prescription.

The petition is submitted to the Philippine Commission for such, if any, action as said body may desire to take thereon.

On motion by the President, seconded by Commissioner Shuster, it was

Resolved, That it is the sense of the Commission that the cocaine in question, while legally imported, was not imported for medicinal purposes, but in all probability for the use of victims of the habit, and that the attention of petitioners be called to the fact that all legislation of the Commission suppressing the sale of alcoholic liquors, or limiting or preventing the sale of liquors within certain prescribed jurisdictions, was enacted for the same reason as was Act Numbered Seventeen hundred and sixty-one, and that it would be improper for the Government to pay losses incurred by reason of the legislation restraining the sale of liquors or deleterious narcotics when not used for medicinal purposes.

EXECUTIVE SESSION.

On motion by Commissioner Tavera, seconded by Commissioner Shuster,

The Commission proceeded to the consideration of executive business.

After consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 280-283.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 20 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Saturday, January 4, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

SATURDAY, JANUARY 4, 1908.

The Commission met at the call of the President at 8 o'clock and 30 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNAL.

The Journal of Friday, January 3, 1908, was read and approved.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Philippine Assembly:

JANUARY 3, 1908.

MR. PRESIDENT: I have the honor to return herewith Bill No. 4 of the Commission, entitled "A Bill providing for the employment of private secretaries to the Resident Commissioners to the United States and for the salaries and traveling expenses of said private secretaries," in which the Assembly concurred without amendment, December 26, 1907.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered, That Commission Bill No. 4 be enrolled and printed as an Act of the Legislature.

MORO PROVINCE.

The Secretary submitted to the Commission Act No. 196 of the

legislative council of the Moro Province, which Act had been forwarded to the Commission in accordance with the provisions of section 32 of Act of the Philippine Commission No. 787.

On motion by Commissioner Shuster, it was

Ordered, That Act No. 196 of the legislative council of the Moro Province, passed July 27, 1907, entitled "An Act to provide against fire in the municipality of Zamboanga, by providing that after the first day of January, nineteen hundred and ten, no houses or buildings except such as are of a permanent type and character shall be erected within the fire limits of said municipality as established by Act Numbered One hundred and sixty-one, and for other purposes," be referred by the Secretary to the Attorney-General for his opinion and as prompt return of papers as the exigencies of the service will permit.

The Secretary submitted to the Commission Acts Nos. 201 and 202 of the legislative council of the Moro Province, which Acts had been forwarded to the Commission in accordance with the provisions of section 32 of Act of the Philippine Commission No. 787.

On motion by Commissioner Tavera, it was

Resolved, That under and by virtue of the provisions of the Act of Congress of July first, nineteen hundred and two, and in accordance with the provisions of section thirty-two of Act of the Philippine Commission Numbered Seven hundred and eighty-seven, Act Numbered Two hundred and one of the legislative council of the Moro Province, passed October fourth, nineteen hundred and seven, entitled "An Act authorizing the treasurer of the Moro Province to extend the time for payment of road tax for the year nineteen hundred and seven," and Act Numbered Two hundred and two of the legislative council of the Moro Province, passed November fourteenth, nineteen hundred and seven, entitled "An Act appropriating the sum of four thousand two hundred sixty-three pesos and eighty-four centavos, Philippine currency, for sundry additional expenses of the government of the Moro Province, for the fiscal year ending June thirtieth, nineteen hundred and eight," be, and the same are hereby, approved.

MISCELLANEOUS COMMUNICATIONS.

The President presented a communication from Raymundo Meliza Angulo, president of the Iloilo Chamber of Commerce and Agriculture, dated September 20, 1906, requesting in behalf of the

said chamber the passage of an Act authorizing the agriculturists and merchants of these Islands to import laborers and to contract with native laborers for employment.

On motion by the President, seconded by Commissioner Shuster, Further consideration of the matter was indefinitely postponed.

QUARTERLY REPORTS ON FRIAR ESTATES.

The Secretary submitted for the information of the Commission report of the Director of Lands, forwarded in accordance with the provisions of section 22 of Act No. 1120 of the Philippine Commission, covering operations on the various friar estates during the quarter ending September 30, 1907.

Ordered filed.

QUARTERLY REPORTS OF BANKS.

The Secretary submitted for the information of the Commission reports of the following banking institutions, showing the condition of their business on September 30, 1907, forwarded to the Commission by the Insular Treasurer in accordance with the provisions of Act No. 52 of the Philippine Commission: The Hongkong and Shanghai Banking Corporation at Manila, P. I.; the Hongkong and Shanghai Banking Corporation at Iloilo, P. I.; the Chartered Bank of India, Australia and China at Manila, P. I.; the Chartered Bank of India, Australia and China at Cebu, P. I.; the International Banking Corporation at Manila, P. I.; the International Banking Corporation at Cebu, P. I.; the Banco Español-Filipino at Manila, P. I.; the Banco Español-Filipino at Iloilo, P. I.; the Bank of Zamboanga at Zamboanga, P. I.; the Monte de Piedad and Savings Bank, at Manila, P. I.; the Manila Building and Loan Association, at Manila, P. I.

Ordered filed.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read the first time, and ordered to second reading:

By Commissioner Forbes: Commission Bill No. 6, A Bill to amend Act Numbered Fourteen hundred and ninety-three, entitled "The Postal Savings Bank Act," by making provision for the handling of certificates of deposit;

By the President (for Commissioner Worcester): Commission Bill

No. 7, A Bill amending section two of Act Numbered Six hundred and twenty-four of the Philippine Commission, designating who shall perform the duties of mining recorder, and adding a new section to said Act by providing the manner in which patents for mining claims shall issue;

By the President: Commission Bill No. 8, A Bill designating the Insular Treasury as official depository for subscriptions to the Philippines memorial in honor of deceased United States soldiers, sailors, and marines who succumbed in the Philippine Islands, and providing for the collection and disbursement of said funds;

Also, Commission Bill No. 9, A Bill to punish the unlawful acquirement of public property used by the Army or Navy of the United States;

By direction of the Commission: Commission Bill No. 10, A Bill to provide that on and after January first, nineteen hundred and eight, all notices, announcements, and advertisements of the Insular Government shall be published in the Official Gazette;

By the President: Commission Bill No. 11, A Bill amending section fourteen of Act Numbered Sixteen hundred and twenty-seven;

Also, Commission Bill No. 12, A Bill to amend Act Numbered Eleven hundred and eighty-nine, entitled "The Internal Revenue Law of Nineteen hundred and four," as amended, by authorizing the Governor-General, under certain conditions, to exempt certain persons or classes of persons from the enforcement of cedula taxes due and delinquent;

Also, Commission Bill No. 13, A Bill to provide a legal rate of interest for the loan or forbearance of money in the Philippine Islands, to punish usury, to repeal article eleven hundred and eight of the Civil Code, and for other purposes;

By Commissioner Forbes: Commission Bill No. 14, A Bill to provide for the granting of a franchise to construct, maintain, and operate telephone and telegraph systems, and to carry on other electrical transmission business in and between the Provinces of Albay and Ambos Camarines and in and between the municipalities thereof;

Also, Commission Bill No. 15, A Bill to provide for the granting of a franchise to construct, maintain, and operate telephone and telegraph systems, and to carry on other electrical transmission business in and between the provinces and municipalities of the Island of Panay;

By the President: Commission Bill No. 16, A Bill to refund customs duties in certain cases;

By Commissioner Forbes: Commission Bill No. 17, A Bill to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams;

By the President (by request): Commission Bill No. 18, A Bill providing for the retirement of certain civil employees of the Philippine Government on part pay after ten or more years of satisfactory service;

By the President: Commission Bill No. 19, A Bill to authorize Gregorio Caubang and Filomena Laurora to contract marriage;

By Commissioner Shuster: Commission Bill No. 20, A Bill to fix the time for making annual reports by the directors of Bureaus and heads

of Offices of the Insular Government and the Municipal Board of the city of Manila, and for other purposes;

By Commissioner Forbes: Commission Bill No. 21, A Bill abolishing the office of sheriff as now constituted in the various provinces of the Philippine Islands and imposing the duties of the sheriff upon the clerk of the Court of First Instance and the senior inspector of Constabulary, repealing Acts and parts of Acts inconsistent with this Act, and for other purposes.

SECOND READING AND CONSIDERATION OF BILLS BY THE COMMISSION
IN COMMITTEE OF THE WHOLE.

By unanimous consent, Commission Bills Nos. 6, 7, 9, 10, and 11 were read the second time, and were then considered by the Commission as in Committee of the Whole.

They were reported to the Commission with the following recommendations:

That Commission Bill No. 6, "To amend Act Numbered Fourteen hundred and ninety-three, entitled 'The Postal Savings Bank Act,' by making provision for the handling of certificates of deposit," be passed with the following amendments:

Section 1, strike out, in line 9, the words "to read as follows" and all following down to and including the words "his own" in line 17, inserting in lieu thereof the words "by adding at the end thereof the following proviso:"

Section 3, page 2, strike out, in line 22, the words "to read as follows" and insert in lieu thereof the words "by adding at the end thereof the following subsection;" strike out lines 23 to 31, inclusive; also, strike out all of page 3, and page 4 down to and including line 18.

Section 4, page 5, insert at the beginning, after the words "Sec. 4" and before the word "Section" the words "Subsection (b) of"; strike out lines 20 to 28, inclusive.

Page 6, strike out lines 8 to 31, inclusive.

Page 7, strike out lines 1 to 11, inclusive.

That Commission Bill No. 7, "Amending section two of Act Numbered Six hundred and twenty-four of the Philippine Commission, designating who shall perform the duties of mining recorder, and adding a new section to said Act by providing the manner in which patents for mining claims shall issue," be passed on file.

That Commission Bill No. 9, "To punish the unlawful acquirement of public property used by the Army or Navy of the United States," be passed with the following amendments:

Section 1, line 3, strike out the word "knowingly."

Line 6, strike out the word "services" and insert in lieu thereof the word "service."

Line 8, insert after the words "United States" the words "knowing that."

Line 9, insert after the word "person" the word "has," and strike out the word "having."

That Commission Bill No. 10, "To provide that on and after January first, nineteen hundred and eight, all notices, announcements, and advertisements of the Insular Government shall be published in the Official Gazette," be passed on file.

That Commission Bill No. 11, "Amending section fourteen of Act Numbered Sixteen hundred and twenty-seven," be passed with the following amendments:

Section 1, strike out the proviso beginning in line 13 and insert in lieu thereof the following:

"Provided, nevertheless, That whenever an action is commenced upon any contract or agreement and it appears from the complaint, verified by the oath of the plaintiff or some other person in his behalf knowing the facts, that under the terms of such contract or agreement any action arising thereon might be commenced before the justice of the peace of any specified municipality, then, in such case, any action on such contract or agreement may be commenced in the court of the justice of the peace of the municipality specified in the agreement or contract. Forcible entry and detainer actions shall be brought in the municipality in which the subject-matter thereof may be situated. All other actions in courts of justices of the peace, except as herein provided, shall be instituted in the municipality wherein a defendant resides or may be served with summons."

The report and recommendations were adopted, and Commission Bills Nos. 6, 9, and 11 were ordered rewritten as perfected in Committee of the Whole and placed on file for third reading.

SECOND READING AND REFERENCE OF BILL.

By unanimous consent, Commission Bill No. 8 was read the second time, and was referred to the President on his own motion.

ADJOURNMENT.

Thereupon, at 12 o'clock and 10 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Monday, January 6, 1908, at such hour as might be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

MONDAY, JANUARY 6, 1908.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNAL.

During the reading of the Journal of Saturday, January 4, 1908,
On motion by Commissioner Shuster,
The further reading was dispensed with.

CONSIDERATION OF SPECIAL ORDER.

Judge W. L. Goldsborough, of the Court of Land Registration, and Assistant Attorney-General George R. Harvey, members of the Compilation Committee, being present at the invitation of the Commission, and the hour having arrived for the consideration of the completed work of the Compilation Committee (without the index), heretofore set as a special order for 9 o'clock of this date,

On motion by Commissioner Shuster,

The Commission went into Committee of the Whole for the purpose of taking up the subject.

After some time spent therein, the committee rose and reported to the Commission with the recommendation that the following resolution be adopted:

C. R. No. 21. *Resolved*, That each member of the Commission be furnished with a set of the preliminary volumes of the work of the Compilation Committee, in order that he may have an opportunity of looking over

the same before casting his vote on the question of the acceptance of the completed work and the discharge of the committee; and that further consideration of the subject be made a special order for Monday, January thirteenth, nineteen hundred and eight, at nine o'clock antemeridian.

On motion by Commissioner Shuster,

The report of the committee and the resolution recommended were adopted, and the chairman of the Compilation Committee was instructed to furnish a set of the preliminary volumes to each member of the Commission.

(For discussion in Committee of the Whole see pp. 378-388.)

SECOND READING OF BILLS AND CONSIDERATION THEREOF BY THE
COMMISSION AS IN COMMITTEE OF THE WHOLE.

The following bills were read the second time and referred to the Committee of the Whole:

C. B. No. 12. A Bill to amend Act Numbered Eleven hundred and eighty-nine, entitled "The Internal Revenue Law of Nineteen hundred and four," as amended, by authorizing the Governor-General, under certain conditions, to exempt certain persons or classes of persons from the enforcement of cedula taxes due and delinquent;

C. B. No. 13. A Bill to provide a legal rate of interest for the loan or forbearance of money in the Philippine Islands, to punish usury, to repeal article eleven hundred and eight of the Civil Code, and for other purposes;

C. B. No. 14. A Bill to provide for the granting of a franchise to construct, maintain, and operate telephone and telegraph systems, and to carry on other electrical transmission business in and between the Provinces of Albay and Ambos Camarines and in and between the municipalities thereof.

They were considered in committee and reported to the Commission with the following recommendations:

Commission Bill No. 12: That enacting clause be stricken out;

Commission Bill No. 13: That enacting clause be stricken out;

Commission Bill No. 14: That progress having been made thereon, the same be considered further in committee.

The question being upon the adoption of the report,

On motion by Commissioner Forbes,

The roll was called, with the following result:

Yeas: Commissioners Tavera, Luzuriaga, Shuster, and the President;

Nays: Commissioner Forbes.

EXPLANATIONS OF VOTES.

The President explained that his particular objection to the passage of Commission Bill No. 13 by the Commission was that the people were opposed to such a bill now, on the ground that at the present time money is not easy to obtain and if a bill of this kind were passed it would be still more difficult to get it; that when the people are ready for a usury bill he was of the opinion that it should originate in the Assembly, as the Delegates are the representatives of the people and supposedly more in touch with them and better understand their needs and desires, and that should the Assembly pass a usury bill, reasonable in its terms, he would vote for it when it came before the Commission.

Commissioners Tavera, Luzuriaga, and Shuster concurred in the explanation of the President, and Commissioners Tavera and Luzuriaga expressed the opinion that were the bill under discussion enacted into law means would be easily found to evade it.

Commissioner Forbes explained that he voted against the rejection of Commission Bill No. 13 for the reason that he favored the passage of a law which would limit the interest which can be charged in this country, and that he did not believe the argument that any considerably smaller amount of money would be available by reason of the fact that the law fixed a reasonable interest which could be charged was a sound one, because people who have money will invest it any way at the best rate they can get for it legally. Such laws, he stated, are common in civilized countries, and the existence of such a law on the statute books of the Philippines would tend to discourage usury, which is one of the greatest evils in the Islands to-day, so that were a reasonable law, properly worded, submitted to the Commission, on this subject, he would vote for it.

REPORT OF SELECT COMMITTEE.

The President reported verbally that the committee of the Commission composed of Commissioner Tavera, Commissioner Luzuriaga, Commissioner Shuster, and himself, to whom was referred, on January 2, 1908, Assembly Joint Resolution No. 6, giving

instructions to the Resident Commissioners to the United States as regards the abolition of the Dingley Tariff, and other matters, had had a conference with the Assembly Committee on Relations with the Sovereign Government with reference to the instructions contained in the said resolution, and that the Assembly committee had agreed to submit to the Assembly the proposition of the committee of the Commission to make certain modifications in the instructions as contained in said resolution; and also had directed that the specific recommendations prepared for the annual report of the Commission be translated into Spanish and delivered to the Assembly Committee on Relations with the Sovereign Government, for consideration and submission to the Assembly of such of said recommendations as do not appear in Assembly Joint Resolution No. 6, with a view of adding them to the instructions to the Resident Commissioners.

The report of the committee was adopted.

ADJOURNMENT.

Thereupon, at 10 o'clock and 30 minutes antemeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

TUESDAY, JANUARY 7, 1908.

The Commission met at the call of the President at 10 o'clock and 30 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

REPORTS OF SELECT COMMITTEES.

Honorable Felix M. Roxas, president of the Municipal Board of Manila, and Major Rafael Crame, of the Bureau of Constabulary, members of the select committee appointed by the President in accordance with Commission Resolution No. 9, to report on Commission Bill No. 2, and Ellis Cromwell, Acting Collector of Internal Revenue, being present at the invitation of the Commission, by unanimous consent the following report of select committee was submitted and taken up for immediate consideration:

[Committee Report No. 7.]

JANUARY 7, 1908.

MR. PRESIDENT: The select committee of three appointed by the Governor-General in accordance with Commission Resolution No. 9, to whom was referred Commission Bill No. 2, "To amend Act Numbered Eleven hundred and forty-seven, regulating the registration, branding, conveyance, and slaughter of large cattle, by extending its provisions to the city of Manila, by providing a penalty for registering branded cattle after March thirty-first, nineteen hundred and eight, by providing for the surrender of certificates of ownership of dead cattle, etcetera, and to amend section two of Act Numbered Fourteen hundred and sixty-five," have had the same

under consideration and respectfully report it back to the Commission with the recommendation that the bill do not pass, and that a new bill, entitled "A Bill regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estrays or large cattle captured or seized by the Philippines Constabulary or other peace officers, and repealing Acts Numbered Six hundred and thirty-seven and Eleven hundred and forty-seven and so much of Act Numbered Eight hundred and seventy-seven as provides for the disposition, care, custody, or sale of cattle, carabaos, horses, and animals of the bovine family, and all other Acts or parts of Acts inconsistent with the provisions of this Act," be taken up in lieu thereof.

JOSÉ R. DE LUZURIAGA, *Chairman.*

To the PRESIDENT OF THE PHILIPPINE COMMISSION.

On motion by Commissioner Shuster, seconded by Commissioner Tavera,

The report and recommendation of select committee on Commission Bill No. 2 were adopted.

FIRST AND SECOND READINGS OF NEW BILL (OUT OF ORDER).

Thereupon, by unanimous consent, Commission Bill No. 22, "A Bill regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estrays or large cattle captured or seized by the Philippines Constabulary or other peace officers, and repealing Acts Numbered Six hundred and thirty-seven and Eleven hundred and forty-seven and so much of Act Numbered Eight hundred and seventy-seven as provides for the disposition, care, custody, or sale of cattle, carabaos, horses, and animals of the bovine family, and all other Acts or parts of Acts inconsistent with the provisions of this Act," was read the first and second times, and referred to the Committee of the Whole.

It was considered in committee, and reported to the Commission with the recommendation that it be referred to a committee of two for examination, report, and recommendation.

The report of the Committee of the Whole was adopted, and the President thereupon appointed Commissioner Luzuriaga and Commissioner Shuster as such committee, with the recommendation that in revising the bill they confer further on the subject with Major Crame and Mr. Crowwell.

REPORTS OF SELECT COMMITTEES (RESUMED).

[Committee Report No. 8.]

JANUARY 7, 1908.

MR. PRESIDENT: Your select committee, to whom was referred on January 2, 1908, the following recommendation to be included in the report of the Commission for 1907, to wit:

"That proper legislation be enacted authorizing the Insular Government to make loans to provinces and that the provinces be empowered to borrow money for public works from the Postal Savings Bank Investment Board or from funds held in trust as sinking funds. Such loans to be made upon the approval of the Governor-General without the concurrence of the Assembly, as, if such concurrence were required, long delays would be unavoidable and during the recess of the Assembly it would be impossible to take any favorable final action upon any request for a provincial loan," with instructions to prepare in proper form the amendment desired to existing Congressional law which will permit municipalities and provinces to borrow moneys for public works and permanent improvements from funds held in trust as sinking funds and from Postal Savings Bank funds, have considered the question and have the honor to report same back to the Commission, with the recommendation that Congress be requested, through the Secretary of War, in the Commission's report for 1907, to enact into law the following bill:

"A Bill to authorize the Treasurer of the Philippine Islands and the Postal Savings Bank Investment Board to make loans to the provinces of said Islands, under certain conditions, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing funds for the construction and improvement of port works, harbor works, bridges, roads, school buildings, court-houses, penal institutions and other public buildings and improvements in the Philippine Islands, the Treasurer of the Philippine Islands, with the approval of the Governor-General, is authorized from time to time, to make loans to any province or provinces from any sinking funds now established or to be established for the payment of any bonds lawfully issued by the Government of the Philippine Islands; and for the same purpose, the Postal Savings Bank Investment Board, created by Act Numbered Fourteen hundred and ninety-three of the Philippine Commission, entitled "An Act to encourage economy and saving among the people of the Philippine Islands, and to that end to provide for the establishment of postal savings banks and their administration through the organization of a postal savings bank division in the Bureau of Posts, and for other purposes," may, with the approval of the Governor-General, make loans to any province or provinces from any Postal Savings Bank funds under the control of said Board for investment. Any loan made under authority of this Act shall be a lawful charge and lien upon the revenues and property, real and personal, of the province to which it

is made, and may be collected in accordance with the terms of said loan administratively or by proper judicial proceedings."

Very respectfully,

W. CAMERON FORBES,
W. MORGAN SHUSTER,
Committee.

To the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the committee was adopted, and the Secretary was directed to include said bill as the fourteenth recommendation in the annual report of the Commission, now in course of preparation, which report and all recommendations therein contained shall be subject to revision and correction by the Commission upon the reading thereof.

ADJOURNMENT.

Thereupon, at 12 o'clock meridian,

On motion,

The Commission adjourned to meet again at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

THURSDAY, JANUARY 9, 1908.

The Commission met at the call of the President at 9 o'clock and 50 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNALS.

The Journals of Monday, January 6, and Tuesday, January 7, 1908, were read and approved.

MESSAGE FROM THE ASSEMBLY.

JANUARY 7, 1908.

MR. PRESIDENT: I have the honor to forward the attached bill (A. B. No. 1), entitled "An Act providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund," which passed the Assembly December 27, 1907, and in which the concurrence of the honorable Commission is desired.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 1 was read the first and second times, and

On motion by the President, seconded by Commissioner Tavera, was

Referred to Commissioner Shuster as a select committee of one for report and recommendation.

RESOLUTIONS.

The following resolutions were introduced by the President (for Commissioner Worcester) :

C. R. No. 22. Whereas the provincial governor and provincial secretary of the Province of Lepanto-Bontoc, in a communication to the Secretary of the Interior, request the extension of the Public Land Act in its entirety to said province; and

Whereas the Secretary of the Interior is not prepared to recommend to the Commission the application of the said Act to the subprovince of Bontoc, the subprovince of Kalinga, or the entire subprovince of Amburayan, but recommends that it be applied to the subprovince of Lepanto and the municipality of Tagudin, in the subprovince of Amburayan: Now, therefore, be it

Resolved, That the provisions of Act of the Philippine Commission Numbered Nine hundred and twenty-six—the Public Land Act—be, and the same are hereby, made applicable to the subprovince of Lepanto, of the Province of Lepanto-Bontoc, and the municipality of Tagudin in the subprovince of Amburayan, of the Province of Lepanto-Bontoc.

C. R. No. 23. Whereas the governor of the Province of Benguet recommends that all of the provisions of the Public Land Act be now made applicable to the Province of Benguet, which recommendation is concurred in by the Secretary of the Interior; and

Whereas it appears advisable that the said recommendation be adopted: Now, therefore, be it

Resolved, That Act of the Philippine Commission Numbered Nine hundred and twenty-six—the Public Land Act—in its entirety be, and is hereby, made applicable and shall be in force and effect throughout the Province of Benguet.

The resolutions were read, and

On motion by Commissioner Shuster, seconded by Commissioner Luzuriaga,

Were ordered referred to the President as a select committee of one for report and recommendation.

REPORTS OF COMMITTEES.

[Committee Report No. 9.]

JANUARY 8, 1908.

MR. PRESIDENT: Your Committee on Non-Christian Tribes, to whom was referred on October 23, 1907, a communication from Haussermann, Cohn & Williams, attorneys at law, requesting the extension to the Moro Province of the provisions of subsection 6 of section 54 of the Public Land Act, having examined the same has the honor to report it back to the Commission with the recommendation that the following resolution, which is

all that is required under the law to extend the Public Land Act to the Moro Province, be adopted:

"C. R. No. 24. Whereas the Director of Lands recommends that the Public Land Act (Act No. 926 of the Philippine Commission) in its entirety be made applicable to the Moro Province, which recommendation is concurred in by the Secretary of the Interior: Now, therefore, be it

"Resolved, That Act Numbered Nine hundred and twenty-six of the Philippine Commission—the Public Land Act—be, and the same is hereby, made applicable in its entirety throughout the Moro Province."

Very respectfully,

DEAN C. WORCESTER,

Committee on Non-Christian Tribes.

To the PRESIDENT OF THE PHILIPPINE COMMISSION.

On motion by the President, seconded by Commissioner Shuster, The communication was referred to the President for further investigation and report.

By unanimous consent, Commissioner Tavera, select committee appointed to confer with the Carnival Committee of the Assembly as to the advisability of making an appropriation of ₱1,000 for a float in the form of a "Ship of State" in the land parade to be given by the Carnival Association, verbally reported that he had conferred with the Carnival Committee of the Assembly, and that after discussion the said committee finally expressed itself as of the opinion that there should be appropriated the sum of ₱50,000 for the carnival and ₱2,000 for the proposed float, "Ship of State," to represent the Philippine Legislature in the land parade.

It was moved by Commissioner Shuster, seconded by Commissioner Luzuriaga, that the oral report of the select committee be received as progressive and that the said committee be instructed to confer further with the Assembly Carnival Committee on the same.

The motion prevailed.

EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,
The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 283-286.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian, the Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, JANUARY 10, 1908.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNAL.

During the reading of the Journal of Thursday, January 9, 1908,
On motion by Commissioner Shuster,
The further reading was dispensed with.

MESSAGE FROM THE ASSEMBLY.

JANUARY 9, 1908.

MR. PRESIDENT: I have the honor to return herewith the attached concurrent resolution (No. 2) of the Commission, entitled "Concurrent Resolution providing a seal for the attestation of copies of Acts, Resolutions, and documents of the Philippine Legislature," which was approved, without amendment, by the Assembly in to-day's session.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

To the Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered, That Commission Concurrent Resolution No. 2 be enrolled and printed as a resolution of the Legislature.

RESOLUTION.

The following resolution was introduced by the President:

C. R. No. 25. *Resolved*, That the six months' leave of absence to Commissioner Shuster, verbally approved by the Secretary of War, shall be effective January twenty-seventh, nineteen hundred and eight, or as soon thereafter as may be approved by the Governor-General, and that the Governor-General be, and is hereby, requested to instruct the Executive Secretary to commute the salary of Commissioner Shuster as Commissioner and Secretary of Public Instruction for the period of his leave, should he desire such commutation.

The resolution was adopted.

REPORT OF SELECT COMMITTEE.

[Committee Report No. 10.]

JANUARY 9, 1908.

GENTLEMEN: Your select committee of one, to whom was referred Assembly Bill No. 82, "A Bill providing for the amendment of Act Numbered Fifteen hundred and thirty-seven of the Philippine Commission, as amended by Act Numbered Fifteen hundred and ninety-nine of the said Commission, in which it is provided that no horse races shall be held on the thirtieth day of December, commonly known by the name of Rizal Day," has examined the same and reports it back to the Commission with the recommendation that it be passed with the following amendments:

Strike out lines 5 to 14, inclusive, in section 1, and insert in lieu thereof the following: "*And provided*, That no horse races shall be held on the thirtieth day of May, commonly known as Memorial Day, and the thirtieth day of December, commonly known as Rizal Day, but that, in lieu thereof, said races may be held on the legal holiday immediately preceding said thirtieth day of May or thirtieth day of December, as the case may be. In case the legal holiday immediately preceding said thirtieth day of May or thirtieth day of December, respectively, shall be a day upon which horse racing is otherwise permitted by this Act, such horse races may be held on the first legal holiday following said thirtieth day of May or thirtieth day of December upon which horse racing is not otherwise permitted: *And provided further*, That for the year nineteen hundred and eight such horse races may be held on the third legal holiday after the thirtieth day of December, nineteen hundred and seven."

Amend the title, to read as follows: "A Bill to amend Act Numbered Fifteen hundred and thirty-seven of the Philippine Commission, as amended by Act Numbered Fifteen hundred and ninety-nine of the said Commission, by providing that no horse racing shall be held on the thirtieth day of

May, known as Memorial Day or the thirtieth day of December, known as Rizal Day, and appointing other days in their stead."

Very respectfully,

JAMES F. SMITH,

President of the Commission, Committee.

The Honorable, the PHILIPPINE COMMISSION.

The report of the select committee on Assembly Bill No. 82 was accepted, and the amendments recommended therein were adopted.

By unanimous consent, the bill was thereupon read the second time and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it pass.

Commissioner Tavera moved the immediate third reading of the bill. The motion was seconded by Commissioner Shuster, and being put to a vote was unanimously carried. At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, the roll was called, and Assembly Bill No. 82, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

EXECUTIVE SESSION.

On motion by the President, seconded by Commissioner Tavera, The Commission proceeded to the consideration of executive business.

After consideration of executive business, the Commission returned to regular session.

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

SATURDAY, JANUARY 11, 1908.

The Commission met at the call of the President at 8 o'clock and 45 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

THIRD READING AND PASSAGE OF BILLS.

C. B. No. 6. An Act to amend Act Numbered Fourteen hundred and ninety-three, entitled "The Postal Savings Bank Act," by making provision for the handling of certificates of deposit.

The bill was read the third time.

By unanimous consent, the President moved the following amendments:

(1) On page 2, line 3, after the words "read or" and before the words "had read to him" insert the word "has;"

(2) On page 2, line 12, after the word "charitable" and before the words "or provident" insert the word "benevolent;"

(3) Strike out section 5 and insert in lieu thereof the following:

"SEC. 5. The present section numbers twenty-one and twenty-two of Act Numbered Fourteen hundred and ninety-three are hereby changed to twenty-two and twenty-three, and a new section numbered twenty-one inserted immediately following section twenty, to read as follows:

"SEC. 21. The short title of this Act shall be "The Postal Savings Bank Act."'"

(4) Add a new section numbered six, as follows:

"This Act shall take effect on its passage."

The motion prevailed.

The question being upon the passage of the bill as amended, the roll was called and Commission Bill No. 6, as amended, was unanimously passed.

The President moved to amend the title by striking out the words "The Postal Savings Bank Act," by making provision for the handling of certificates of deposit" and inserting in lieu thereof the words "An Act to encourage economy and saving among the people of the Philippine Islands, and to that end to provide for the establishment of postal savings banks and their administration through the organization of a postal savings bank division in the Bureau of Posts, and for other purposes, by making provision for the deposits made under Act Numbered Seventeen hundred and eighty;" so that the title shall read as follows: "An Act to amend Act Numbered Fourteen hundred and ninety-three, entitled 'An Act to encourage economy and saving among the people of the Philippine Islands, and to that end to provide for the establishment of postal savings banks and their administration through the organization of a postal savings bank division in the Bureau of Posts, and for other purposes,' by making provision for deposits made under Act Numbered Seventeen hundred and eighty."

The motion prevailed.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

C. B. No. 9. An Act to punish the unlawful acquirement of public property used by the Army or Navy of the United States.

The bill was read the third time.

The question then being upon its passage, the roll was called and Commission Bill No. 9 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

C. B. No. 11. An Act amending section fourteen of Act Numbered Sixteen hundred and twenty-seven.

The bill was read the third time.

By unanimous consent, the President moved the following amendment:

In section 14 of Act No. 1627, as proposed to be amended by this Act, strike out the proviso and insert in lieu thereof the following: "*Provided, however,* That if any contract or agreement specifically provides

that any action arising thereon may be commenced in the justice of the peace court of any specified municipality, then, in such case, the action arising on such contract or agreement may be commenced in the justice of the peace court of the municipality specified in the agreement or contract. Forcible entry and detainer actions shall be brought in the municipality in which the subject-matter thereof may be situated. All other actions in courts of justices of the peace, except as herein provided, shall be instituted in the municipality wherein a defendant resides or may be served with summons."

The motion prevailed.

The question being upon the passage of the bill as amended, the roll was called and Commission Bill No. 11, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

SECOND READING AND CONSIDERATION OF BILLS BY THE COMMISSION
AS IN COMMITTEE OF THE WHOLE.

The following bills were read the second time, and referred to the Committee of the Whole:

C. B. No. 16. A Bill to refund customs duties in certain cases;

C. B. No. 17. A Bill to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams;

C. B. No. 18. A Bill providing for the retirement of certain civil employees of the Philippine Government on part pay after ten or more years of satisfactory service;

C. B. No. 19. A Bill to authorize Gregorio Caubang and Filomena Laurora to contract marriage.

They were considered in committee and reported to the Commission with the following recommendations:

That Commission Bill No. 16 be passed on file;

That Commission Bill No. 17 be made a special order for consideration by the Commission at 10 o'clock antemeridian on Monday, January 13, 1908;

That Commission Bill No. 18 be laid on the table;

That Commission Bill No. 19 be passed, with the following amendments:

Strike out, in section 1, the words "the provisions of the Civil Code and of General Orders, Numbered Sixty-eight, of the Military Governor in the

Philippine Islands, series of eighteen hundred and ninety-nine, to the contrary notwithstanding," and insert in lieu thereof the words "the existing provisions of law prohibiting marriage between persons related within the third degree of consanguinity to the contrary notwithstanding."

The report and recommendations of the Committee of the Whole were adopted.

THIRD READING AND PASSAGE OF BILL.

The President moved the immediate third reading of Commission Bill No. 19, "A Bill to authorize Gregorio Caubang and Filomgna Laurora to contract marriage."

The motion was seconded by Commissioner Shuster, and being put to a vote was unanimously carried.

At the direction of the President, the bill as amended was thereupon read the third time.

The question then being upon its passage, the roll was called and Commission Bill No. 19 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

REPORT OF SELECT COMMITTEE.

[Committee Report No. 11.]

JANUARY 11, 1908.

MR. PRESIDENT: Your select committee of one, to whom was referred on January 9, 1908, Assembly Bill No. 1, "An Act providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund," has examined the same and has the honor to report it back to the Commission, with the recommendation that it be passed with the following amendments:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"SECTION 1. The unpaid balances on all loans or parts of loans made to any provincial or municipal government of the Philippine Islands before the fifteenth day of October, nineteen hundred and seven, out of the general funds of the Insular Treasury or of the United States Congressional relief fund, for the cancellation of which conditions and terms have not already been specifically prescribed by law, are hereby canceled: *Provided*, That each provincial or municipal government, the indebtedness of which shall be canceled under the terms of this Act, shall expend from its general funds on or before the thirty-first day of December, nineteen hundred and eight,

and on or before the thirty-first day of December for each successive calendar year thereafter, an amount equal to not less than one-tenth of the total amount of the indebtedness of such provincial or municipal government, as the case may be, canceled as hereinbefore set forth. And said annual expenditures from the general funds of such provincial or municipal governments shall continue until the entire amount of the indebtedness shall in each case be extinguished. The expenditures from general funds hereinbefore referred to must be made in the construction of public schools, roads, bridges, and other public works, in the discretion of the provincial boards and municipal councils and with the approval of the Governor-General as regards the former and of the provincial boards as regards the latter.

"SEC. 2. Nothing in this Act contained shall be construed to modify or repeal any of the provisions of Acts Numbered Fifteen hundred and sixty, Sixteen hundred and one, Sixteen hundred and three, and Sixteen hundred and twenty-two, or as affecting or changing the terms and conditions upon which the indebtedness to the Insular Government mentioned in said Acts shall be extinguished by the provinces concerned.

"SEC. 3. This Act shall take effect on its passage."

Very respectfully,

W. MORGAN SHUSTER, *Committee.*

The report of the select committee was received and read, and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that the bill be recommitted to Commissioner Shuster, with instructions to further amend the bill by striking out the requirement that any of the funds expended by provincial or municipal governments in consideration of the cancellation of loans shall be used for roads and bridges or other public works, so that all moneys so expended shall be for the construction of public schools only.

The question being upon the adoption of the report of the Committee of the Whole,

On motion by Commissioner Forbes,

The roll was called, with the following result:

Yeas: Commissioners Tavera and Shuster and the President.

Nays: Commissioners Forbes and Luzuriaga.

The motion prevailed, a majority having voted in favor thereof.

The President moved that the committee be further instructed to amend the bill by excluding the city of Manila from the provisions of the bill.

The motion prevailed.

Commissioner Forbes moved that the committee be further instructed to report the bill back accompanied by a statement showing the indebtedness which will be canceled by it for each province, the total amount canceled by the bill, the indebtedness canceled for each province other than by this bill and the Acts mentioned therein, and the assistance otherwise rendered by the Insular Government to each province since the establishment of Civil Government.

The motion prevailed.

(For discussion in Committee of the Whole see pp. 389-399.)

SPECIAL ORDER SET.

On motion by Commissioner Shuster,

The consideration of Commission Bill No. 22 was made a special order for Monday, January 13, 1908, at 9 o'clock and 30 minutes antemeridian.

EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed and canceled in executive session see p. 286.)

ADJOURNMENT.

Thereupon, at 12 o'clock meridian,

On motion,

The Commission adjourned to meet again on Monday, January 13, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

MONDAY, JANUARY 13, 1908.

The Commission met at the call of the President at 9 o'clock and 30 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNALS.

The Journals of Friday, January 10, and Saturday, January 11, 1908, were read and approved.

CONSIDERATION OF SPECIAL ORDERS.

Judge W. L. Goldsborough, of the Court of Land Registration, and Assistant Attorney-General George R. Harvey, members of the Compilation Committee, being present at the invitation of the Commission, Commissioner Shuster moved that the Commission resolve itself into the Committee of the Whole for the purpose of further considering the question of the acceptance of the completed work of the Compilation Committee (without the index), the hour set for such consideration already having passed, and that the consideration of Commission Bill No. 22, heretofore set as a special order for 9 o'clock and 30 minutes antemeridian of this date, be taken up immediately afterwards.

The motion was unanimously carried, and the Commission went into Committee of the Whole for the purpose stated.

After some time spent therein, the committee rose and reported to the Commission with the recommendation that the following resolution be adopted:

C. R. No. 26. *Resolved*, That the compilation of the Acts of the Philippine Commission as reported by the Compilation Committee of the Commission on the thirteenth day of January, nineteen hundred and eight, be, and is hereby, approved for printing and publication as contemplated by the resolution of the Commission of October second, nineteen hundred and seven: *Provided, however*, That such compilation as published shall not have the effect of varying the meaning of the laws and amendments thereto as originally enacted by said Commission, it being understood that said compilation is published as the first step looking toward a revision and codification of all the laws in force in the Philippine Islands, and not for the purpose of varying or changing existing laws; and

Resolved further, That the report of the Compilation Committee be received as progressive, and that the committee remain on duty until otherwise ordered by the Commission.

It was moved by Commissioner Forbes and seconded by Commissioner Shuster that the report of the Committee of the Whole be accepted and that the resolution be adopted.

The motion prevailed.

Commissioner Shuster thereupon moved the approval of the following explanatory note prepared by the Compilation Committee, to be printed at the beginning of the compilation:

Explanatory note by the Compilation Committee.

On May 9, 1907, the Philippine Commission adopted a resolution, presented by Commissioner Shuster, appointing a committee of nine persons to compile and if possible, within the time allowed, to codify all the laws of the Philippine Islands up to and including June 30, 1907, omitting such laws as had been repealed, abrogated, declared unconstitutional by the courts or otherwise rendered nugatory or obsolete, and also all private, special, temporary, and local acts or laws which did not constitute a part of the general and permanent legislation of these Islands.

In the distribution of the work to be done by the committee, Commissioner Shuster, the chairman, and Judge Goldsborough undertook the preparation of a running compilation of the Acts of the Philippine Commission and a revision of said Acts on the general plan of the Revised Statutes of the United States of 1878. Subsequently, Assistant Attorney-General Harvey assisted in the preparation of said revision which was extended to include all Acts of the Philippine Commission in force on August 31, 1907.

On September 30, 1907, a report was presented to the Philippine Commission outlining the work accomplished by the committee up to that time, and submitting a proposed Act embodying the revision, for consideration and passage by the Philippine Commission, entitled: "An Act to revise and consolidate the Acts of the Philippine Commission in force on the thirty-first day of August, nineteen hundred and seven, and for other purposes."

The committee had also compiled and printed for publication with said proposed revision, the organic laws of the Philippine Islands, consisting of the treaties with Spain, the instructions and orders of the President, and the Acts of Congress having special reference to these Islands.

On October 2, 1907, the Philippine Commission, after consideration of said report, decided that the time intervening before the inauguration of the Philippine Legislature and the great number of urgent matters requiring legislative action rendered impossible the discussion and passage of the proposed revision in the form of a law, and thereupon adopted the following resolution:

"Resolved, That the said report of the Compilation Committee be, and the same is hereby, accepted and the terms of the said resolution of May ninth, nineteen hundred and seven, having been fulfilled, the committee is hereby dissolved, and the thanks of the Commission are hereby tendered to its members;

"Resolved further, That a new Compilation Committee, to consist of the Honorable W. Morgan Shuster, Secretary of Public Instruction, chairman; Judge W. L. Goldsborough, Court of Land Registration, and Mr. George R. Harvey, Assistant Attorney-General, be, and the same is hereby, appointed to continue the work of compilation so as to include therein all Acts of the Philippine Commission passed since the thirty-first day of August, nineteen hundred and seven, to and including the fifteenth day of October, nineteen hundred and seven;

* * * * *

"Resolved, That five hundred copies of the final compilation and index, as approved by the Philippine Commission, shall be printed and published for the convenience of the public as 'A Compilation of the Acts of the Philippine Commission'; *Provided, however*, That such compilation as published shall not have the effect of varying the meaning of the laws and amendments thereto as originally enacted by said Commission;"

* * * * *

Pursuant to the foregoing resolution the newly appointed committee has brought the compilation of the Acts of the Philippine Commission up to and including Act No. 1800, passed October 12, 1907, the last Act passed by the Commission prior to the organization of the Philippine Legislature.

Attention is invited to the fact that the following compilation, as approved by the Philippine Commission, is printed and published merely for the convenience of the public and that said compilation does not have the effect of varying or amending the laws, and amendments thereto, as originally enacted by said Commission.

In the preparation of this compilation the committee endeavored to omit those Acts or parts of Acts which have been expressly repealed or are manifestly obsolete or private, special, temporary, or local in their character, or which are merely appropriation Acts and which as such appropriation Acts have not effected any amendments to existing laws. The existing Acts as found in the compilation have been grouped into parts, titles, chapters, and sections. It has been sought to remove inconsistencies by retaining the more recent expression of the legislative will, discarding the previous inconsistent legislation which had thereby become superseded. In some cases it has been necessary practically to rewrite certain sections in order to embody in concise form express amendments, as well as implied amendments, and to give intelligent expression to the law. Cross references in the original Acts have, of course, been changed so that the references are now to the various titles, chapters, and sections of the compiled Acts instead of to the original Acts of the Philippine Commission from which said titles, chapters, and sections of the compiled Acts are drawn. Throughout this work the committee has endeavored to accomplish its task with the minimum amount of modification in the exact and literal expression of the laws as found in the original Acts of the Commission.

In many instances, in view of the great number of amendments, it has been an extremely difficult matter to set out the existing law, retaining the original phraseology, and attention is particularly directed to the chapters contained in titles 6 (The Regularly Organized Provinces), 7 (The Specially Organized Provinces), 10 (The Municipalities, except Manila), 11 (The Townships), 12 (The City of Manila), and 39 (The Organization and Jurisdiction of Courts other than the Court of Land Registration).

Of these titles, 6 and 10 were in such condition, due to the enormous number of amendments both express and implied which had been made to them since the enactment of the original laws, Acts Nos. 83 and 82, respectively, that it became necessary practically to rewrite these two titles. In many instances it was impossible for the committee to determine from the language of the amended law what the administrative practice in certain particular cases was. To the end, therefore, that the study of the Compiled Acts might be checked and supplemented by knowledge of the actual interpretation which is being given said laws, the committee invited into conference with it Mr. F. W. Carpenter, Assistant Executive Secretary; Mr. Thomas Cary Welch, chief of the law division, Executive Bureau; Mr. William A. Randall, chief district auditor, Bureau of Audits, and Mr. Robert M. Shearer, Special Agent for the Governor-General.

The committee takes this opportunity of making public acknowledgment of the valuable assistance rendered by these gentlemen in the preparation of these titles of the Compiled Acts, as well as of the assistance rendered by Mr. Hartford Beaumont, additional deputy collector, Manila custom-house, who has assisted in the preparation of title 31 (The Bureau of Customs), and in the final reading of the Compiled Acts.

Galley proofs of the portion of the Compiled Acts containing the laws of each Department, Bureau, or Office of the Government were transmitted

to the officers in charge thereof with the request that the compilation be studied and returned with any suggestions or recommendations as might suggest themselves as tending to more correctly and accurately express the existing law. The returned galley proofs and the comments and recommendations of the different officers of the Government were thoroughly examined and discussed by the committee and many valuable suggestions were adopted.

For the convenience of readers there has been prepared by Mr. George A. Malcolm, of the Executive Bureau, headnotes in certain titles, marginal notes, marginal references to the original laws, a reference index, and annotations of decisions. Headnotes, found in titles 2, 39, and 41, and marginal notes of catch words or phrases have been included for a rapid reading of the text. Opposite each section, subsection, or paragraph of the compilation are also marginal references to Acts of the Philippine Commission or general orders of the military Governors from which the section, subsection, or paragraph is drawn. For an opposite purpose a reference index has been placed in this volume, which enables any subdivision of an Act or order which has been used in the compilation to be traced to the section, subsection, or paragraph of the compilation where it is found.

The annotations include the decisions of the Supreme Court of the Philippine Islands and of the Supreme Court of the United States which have construed sections of the compilation. To these have been added in a few instances opinions of the Attorney-General of the United States and sections of codes of certain States from which sections of Acts of the Commission have been derived, with cases interpreting the same. When the section, subsection, or paragraph of the compilation treats of one subject, cases have been placed beneath the text construed with no comments; when the section, subsection, or paragraph treats of different matters or there are divergent lines of decisions, explanatory notes have been added; when certain cases construe subdivisions of a section while others construe the whole section the abbreviation "Sec." has been placed before those cases treating of the whole section. In spite of the limited time permitted it is the hope of the committee that the annotations, as well as the other special data, will be found of service to the members of the judiciary and bar and the general public.

By arrangement with the committee, the reporter of decisions of the Supreme Court, Mr. David Lewis Cobb, has prepared the index which is included in this volume.

In conclusion the committee expresses the hope that this first step taken toward the final codification and revision of all the laws of the Philippine Islands may prove of practical value, and as free from error as could be reasonably expected in view of the difficult and complicated nature of the work, the opportunity for divergence of opinion as to the exact form of the existing law, and the comparatively short time allowed within which to complete the same.

The committee requests that the bench and bar, and public generally,

will call to its attention any errors which may be noted in this compilation, or present any comments thereon.

With the above explanatory note, the "Compiled Acts of the Philippine Commission" as approved by said Commission in its resolution of January 13, 1908, are hereby placed before the public.

SECRETARY OF PUBLIC INSTRUCTION, CHAIRMAN.
JUDGE, COURT OF LAND REGISTRATION, MEMBER.
ASSISTANT ATTORNEY-GENERAL, MEMBER.

The motion prevailed.

COMMISSION BILL NO. 22.

The Commission then took up for further consideration

Commission Bill No. 22, "A Bill regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estrays or large cattle captured or seized by the Philippines Constabulary or other peace officers, and repealing Acts Numbered Six hundred and thirty-seven and Eleven hundred and forty-seven and so much of Act Numbered Eight hundred and seventy-seven as provides for the disposition, care, custody, or sale of cattle, carabaos, horses, and animals of the bovine family, and all other Acts or parts of Acts inconsistent with the provisions of this Act."

The following report of select committee was presented by Commissioner Luzuriaga:

[Committee Report No. 12.]

JANUARY 13, 1908.

MR. PRESIDENT: Your select committee of two, to whom was referred Commission Bill No. 22, entitled "A Bill regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estrays or large cattle captured or seized by the Philippines Constabulary or other peace officers, and repealing Acts Numbered Six hundred and thirty-seven and Eleven hundred and forty-seven and so much of Act Numbered Eight hundred and seventy-seven as provides for the disposition, care, custody, or sale of cattle, carabaos, horses, and animals of the bovine family, and all other Acts or parts of Acts inconsistent with the provisions of this Act," have had the same under consideration, and respectfully report it back to the Commission with the recommendation that the bill do not pass, and that a new bill, entitled "An Act to amend Act Numbered Eleven hundred and forty-seven, as amended, regulating the registration, branding, conveyance, and

slaughter of large cattle, and providing for the disposition, care, custody, and sale of stray or large cattle captured or seized by the Philippines Constabulary or other peace officers," be taken up in lieu thereof.

Very respectfully,

JOSÉ R. DE LUZURIAGA,
W. MORGAN SHUSTER,

Committee.

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

On motion by the President, seconded by Commissioner Tavera, The report and recommendation of the select committee on Commission Bill No. 22 were adopted.

FIRST AND SECOND READINGS OF NEW BILL.

Thereupon, by unanimous consent, Commission Bill No. 25, "An Act to amend Act Numbered Eleven hundred and forty-seven, as amended, regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of stray or large cattle captured or seized by the Philippines Constabulary or other peace officers," was read the first and second times and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the information that the committee had not completed its consideration thereof, and with the recommendation that the further consideration of the bill be made a special order for Tuesday, January 14, 1908, at 9 o'clock antemeridian.

The report and recommendation of the Committee of the Whole were adopted.

(For discussion in Committee of the Whole, see pp. 400-402.)

ADJOURNMENT.

Thereupon, at 12 o'clock meridian,

On motion,

The Commission adjourned to meet again on Tuesday, January 14, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

TUESDAY, JANUARY 14, 1908.

The Commission met at the call of the President at 9 o'clock and 15 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The hour having already passed for the consideration of Commission Bill No. 25, entitled "An Act to amend Act Numbered Eleven hundred and forty-seven, as amended, regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estray or large cattle captured or seized by the Philippines Constabulary or other peace officers," heretofore set as a special order for 9 o'clock antemeridian of this date,

On motion by Commissioner Shuster, seconded by Commissioner Luzuriaga,

Further consideration of the same was postponed until Wednesday, January 15, 1908, at 9 o'clock antemeridian.

MESSAGES FROM THE ASSEMBLY.

JANUARY 8, 1908.

MR. PRESIDENT: I have the honor to advise you that the Assembly today passed Commission Joint Resolution No. 2, entitled "Joint Resolution authorizing the Acting Secretary of Finance and Justice to direct John

S. Hord, Collector of Internal Revenue, while on leave in the United States, to proceed to Washington, District of Columbia, for the purpose of appearing before the proper committees of the Senate and House of Representatives in connection with the consideration of the reduction of the tariff on Philippine tobacco and sugar," with the following amendments:

Strike out all words after the enacting clause and in lieu thereof insert the following:

"That the Acting Secretary of Finance and Justice be, and hereby is, authorized to order John S. Hord, Collector of Internal Revenue, while on vacation in the United States, to go to Washington, District of Columbia, when Congress is considering the proposed law permitting the importation into the United States, free of duties, of the tobacco and sugar of the Philippines, in order to place himself at the disposition of the Commissioners, Representatives of the Philippine Legislature in the United States, and to aid them in their work with respect to said proposed law; and be it further

"Resolved, That the necessary time during which John S. Hord is executing his commission under the direction of said Commissioners be not deducted from his leave, and that the actual and necessary expenses, as approved by the Insular Auditor, incurred while traveling from the point of his arrival in the United States to Washington, District of Columbia, and while on such duty in Washington, be paid from the funds appropriated for the Bureau of Internal Revenue; and be it finally

"Resolved, That the measure hereby authorized be confirmed in the next appropriation Act."

Strike out the title, and, in lieu thereof, insert the following:

"Joint Resolution authorizing the Acting Secretary of Finance and Justice to order John S. Hord, Collector of Internal Revenue, while on vacation in the United States, to go to Washington, District of Columbia, in order to execute the commission which is determined by the present resolution,"

in which the concurrence of the honorable Commission is desired.

Very respectfully,

GREGORIO. NIEVA, *Secretary.*

The Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Commission Joint Resolution No. 2 was taken up for concurrence in the Assembly amendments.

The question being, Shall the Commission concur in Assembly amendments to Commission Joint Resolution No. 2? the roll was called and amendments were concurred in by unanimous vote, and the Secretary was directed to notify the Assembly thereof.

Commission Joint Resolution No. 2 was thereupon ordered enrolled and printed as a resolution of the Legislature.

JANUARY 11, 1908.

MR. PRESIDENT: I have the honor to return herewith the English version of Assembly Bill No. 10, entitled "Bill providing for the appropriation of one million pesos for the construction of schools in the barrios, under certain conditions," which has been to-day approved by the Assembly.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered, That Assembly Bill No. 10 be enrolled and printed as an Act of the Legislature.

JANUARY 11, 1908.

MR. PRESIDENT: I have the honor to return herewith Assembly Bill No. 82, entitled "A Bill providing for the amendment of Act Numbered Fifteen hundred and thirty-seven of the Philippine Commission, as amended by Act Numbered Fifteen hundred and ninety-nine of the said Commission, in which it is provided that no horse races shall be held on the thirtieth day of December, commonly known by the name of Rizal Day," together with the attached communication of the Secretary of the Commission, dated the 10th instant, advising the Speaker of the amendments made by the honorable Commission to said bill, in which the Assembly has to-day concurred.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered, That Assembly Bill No. 82 be enrolled and printed as an Act of the Legislature.

RESOLUTION.

The following resolution was introduced by Commissioner Forbes:

C. R. No. 27. Whereas it is deemed for the public interest that the public baths at Sibul Springs, in the Province of Bulacan, be improved so that more privacy and cleanliness can be obtained; and

Whereas the district engineer has estimated the cost of constructing the baths on plans in conformity with those of the Consulting Architect for the town site of Sibul Springs, at six thousand pesos; and

Whereas, by Act Numbered Sixteen hundred and seventy-nine, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and other designated periods," one hundred and forty-two thousand three hundred pesos was appropriated "for expenses in connection with such public works, examination, and surveys as may be authorized by the Philippine Commission, including cost of labor and necessary equipment

* * * : *Provided*, That no expenditure shall be made hereunder except upon approval by the Governor-General:" Now, therefore, be it

Resolved, That the Director of Public Works is hereby authorized, subject to the approval of the Governor-General, to proceed with the construction of the public baths at Sibal Springs, in accordance with plans to be approved by the Secretary of Commerce and Police, at a cost not to exceed six thousand pesos, either by contract or administration, as may be determined by the said Director of Public Works to be for the best interests of the Government, such sum of six thousand pesos to be paid from the general funds appropriated to the Bureau of Public Works for public works by Act Numbered Sixteen hundred and seventy-nine.

The resolution was adopted.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of Commission Bill No. 17, entitled "A Bill to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams," heretofore set as a special order for Monday, January 13, 1908, at 10 o'clock antemeridian, and not reached, the same therefore becoming a special order for 10 o'clock antemeridian of this date,

On motion by the President,

The Commission went into Committee of the Whole for the consideration thereof.

After some time spent therein, the committee rose and reported progress, recommending that further consideration of the bill be made a special order for Friday, January 17, 1908, at 9 o'clock antemeridian, and that the Secretary be directed to notify Thomas Colston Kinney, who prepared the original draft of the bill, and the several directors of the newspapers of Manila to be present at that time to discuss the measure before the Commission in Committee of the Whole.

The report and recommendation of the Committee of the Whole were adopted.

MISCELLANEOUS COMMUNICATIONS.

The following communications were presented by the President:

A communication from the La Concha Fabrica de Botones of Manila, dated January 6, 1908, calling attention to what is considered the inadequacy of the laws of the legislative council of the Moro Province with respect to the pearl-fishing industry, and

recommending that a law regulating this industry be enacted by the Philippine Legislature, to be applicable throughout the Philippine Archipelago, among other things fixing one pearl-fishing tax for the Moro district and another lower tax for the rest of the Archipelago; providing for the issuance of pearl-fishing licenses to vessels built without the Philippine Islands and to boats belonging to firms or corporations duly incorporated under the laws of the Philippine Islands, as well as to vessels constructed here and vessels owned by citizens of the United States, honorably discharged soldiers and sailors of the United States Army and Navy, natives of the Philippine Islands, or persons who have acquired the political rights of natives of the Philippine Islands; also, praying that the law be strictly enforced as regards the size of shells which may be taken and the manner of preserving them; that artificial propagation of the pearl banks be undertaken by the Government; that fishing for marine mollusca whose shells have a market value of less than ₱150 per ton be unrestricted, instead of as now provided, ₱25; and that the provision contained in section 13 of Act No. 51 of the legislative council of the Moro Province, which requires fishing boats operating under first-class licenses to proceed to the port of Jolo or Zamboanga for the making of statements required by section 14 of said act, be repealed, as such provision is an unnecessary hardship on fishermen with first-class licenses.

On motion by the President,

The Secretary was directed to refer the communication to the legislative council of the Moro Province for such comment and suggestion as the council may desire to make, accompanied by a request for return of the papers at as early a date as may be practicable.

A communication, signed by Felix Unson and seventy-four other residents of the municipality of Pagsanhan, Province of La Laguna, protesting against the increase in the per diems of the members of the Philippine Assembly.

Referred to the President, on his own motion.

A communication from the municipal secretary of Paniqui, Province of Tarlac, embodying the first resolution of the new municipal council of said municipality, unanimously greeting the Philippine Commission and congratulating it on its successful administration of Philippine affairs up to the present time.

Ordered, That the communication be filed, after proper acknowledgment by the Secretary.

A telegraphic communication from the President of the municipality of Bacarra, Province of Ilocos Norte, conveying to the Commission the greetings of the newly elected council of that municipality.

Ordered, That the communication be filed, after proper acknowledgment by the Secretary.

SECOND READING OF BILLS.

C. B. No. 15. A Bill to provide for the granting of a franchise to construct, maintain, and operate telephone and telegraph systems, and to carry on other electrical transmission business in and between the provinces and municipalities of the Island of Panay.

The bill was read the second time.

On motion by the President,

The bill was referred to the Committee on Matters Pertaining to the Department of Commerce and Police, with instructions to report the same back with appropriate draft of legislation to put up for public bidding the franchise to be granted by the bill, and to make such further report and recommendation as the committee may deem proper.

C. B. No. 20. A Bill to fix the time for making annual reports by the Directors of Bureaus and heads of Offices of the Insular Government and the Municipal Board of the city of Manila, and for other purposes.

The bill was read the second time, and referred to the Committee of the Whole.

It was considered in committee, and reported to the Commission with the recommendation that it be passed with the following amendments:

Page 1, section 1, line 2, insert immediately after the words "Insular Government" the words "or provincial governors;"

Page 1, section 1, line 6, insert after the words "reports to the" and before the word "Secretaries" the words "Governor-General or to the;"

Page 1, section 1, line 7, insert immediately after the word "Department" the words "as the case may be;"

Page 1, section 1, line 8, strike out the words "tenth day of August" and insert in lieu thereof the words "fifteenth day of July."

The report and recommendation of the Committee of the Whole were adopted.

The bill was ordered rewritten as perfected in Committee of the Whole and placed on file for third reading.

INTRODUCTION AND FIRST AND SECOND READINGS OF BILL.

The President introduced the following bill:

C. B. No. 23. A bill authorizing and directing the Treasurer of the Philippine Islands to demand, bring suit to recover, receive and receipt for funds belonging to the subscription for the relief of those damaged by the earthquake of June third, eighteen hundred and sixty-three.

The bill was read the first and second times, and was referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with information of progress and recommendation that it be made a special order for consideration on January 15, 1908, immediately after the special order set for 9 o'clock antemeridian of said date.

The report and recommendation of the Committee of the Whole were adopted.

EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 287.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 40 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Wednesday, January 15, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

WEDNESDAY, JANUARY 15, 1908.

The Commission met at the call of the President at 9 o'clock and 50 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

CONSIDERATION OF SPECIAL ORDER.

Honorable Felix M. Roxas, president of the Municipal Board of Manila, and Major Rafael Crame, of the Bureau of Constabulary, being present at the invitation of the Commission,

On motion by Commissioner Shuster, seconded by Commissioner Luzuriaga,

The Commission went into Committee of the Whole for the purpose of further considering Commission Bill No. 25, entitled "An Act to amend Act Numbered Eleven hundred and forty-seven, as amended, regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estray or large cattle captured or seized by the Philippines Constabulary or other peace officers."

After some time spent therein, the committee rose and reported to the Commission with the recommendation that the bill be referred to the select committee thereon, composed of Commissioners Luzuriaga and Shuster, with instructions to amend it in the following particulars, and to make such further report and recommendation thereon as they may deem proper:

Strike out sections 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section six of Act Numbered Eleven hundred and forty-seven is hereby amended by adding at the end thereof the following proviso:

"*And provided further*, That in lieu of the mark on the right and left hip as herein required, horses may, on the request of the owner, be either photographed or marked within the right ear with the mark of the owner and within the left ear with the mark of the municipality. If photographed, the photograph shall not be smaller than eight centimeters by ten centimeters and not larger than thirteen centimeters by eighteen centimeters, to be made at the expense of the owner, one copy thereof to be firmly attached to the certificate of ownership and another to the stub of said certificate; the seal of the municipality to be so imposed as to impress itself both upon the photograph and upon the certificate of ownership and the stub of said certificate.'

"SEC. 2. Section eight of Act Numbered Eleven hundred and forty-seven is hereby amended by adding at the end thereof the following:

"Upon issuing or canceling a certificate of registration or transfer of large cattle, the municipal treasurer shall immediately furnish to the senior inspector of Constabulary of the province the names and residences of the persons concerned, together with the sex, age, and marks of identification of the animal for which the certificate was issued or canceled. In the city of Manila such information shall be given to the Director of Constabulary by the Collector of Internal Revenue, ex officio city assessor and collector.'

Page 2, section 3, lines 22 and 23, strike out the words "of the Philippine Commission;" line 31, strike out the word "take."

Page 3, section 3, line 1, strike out the word "its" and insert in lieu thereof the word "his"; line 4, strike out the word "eighty" and insert in lieu thereof the word "thirty"; line 14, strike out the word "fifteen" and insert in lieu thereof the word "thirty."

Strike out section 6.

Strike out section 8.

Add a new section amending section 9 of Act No. 1147, setting out what shall be satisfactory proof of ownership and providing, in such words as may be deemed proper by the committee, that in case of question as to ownership of a marked animal, evidence shall be secured from the division of archives, patents, copyrights, and trade-marks of the Executive Bureau at Manila; that in case the animal does not appear to be a registered animal as ascertained from Manila then no proof shall be accepted except from well-known and reputable persons living within the municipality, who shall make oath to the same. Certificate of ownership in such cases shall be issued by the municipal treasurer, only upon order of the justice of the peace if the latter be satisfied as to the proof. What shall constitute proof should also be set out in the section. The special investigation before the justice of the peace shall be a purely civil proceeding and no trial had nor decision made therein shall be construed to prevent a criminal prosecution which otherwise might be had if it should

appear that the alleged owner was in illegal possession of the animal. If the justice of the peace shall decide against the claimant of the animal, the animal shall be treated as an estray and shall be disposed of as in such case provided. While the special proceeding before the justice of the peace is pending the animal shall remain in the custody of the municipality, which shall not charge more than 40 centavos a day for its keep.

Prepare a new section increasing the penalty for the stealing of large cattle, the same to be imprisonment for not less than one year nor more than five years.

Strike out in the title, in the last line thereof, the words "as amended."

The report and recommendation of the Committee of the Whole were adopted.

THIRD READING AND PASSAGE OF BILL.

C. B. No. 20. An Act to fix the time for making annual reports by the Directors of Bureaus and heads of Offices of the Insular Government and the Municipal Board of the city of Manila, and for other purposes.

The bill was read the third time.

By unanimous consent, Commissioner Forbes moved the following amendments:

Page 1, section 1, line 9, strike out the words "fifteenth day of July" and insert in lieu thereof the words "tenth day of August."

Page 1, section 2, lines 11 and 12, strike out the words "of the Philippine Commission."

Amend the title by inserting in line 2 thereof, after the word "Government," the words "provincial governors."

The motion prevailed.

The question then being upon the passage of the bill as amended, the roll was called, and Commission Bill No. 20, as amended, was unanimously passed, and the title, as amended, was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

INTRODUCTION AND PASSAGE OF BILL.

Commissioner Shuster presented for consideration a bill entitled as follows:

C. B. No. 24. An Act to amend Act Numbered Three hundred and fifty-five, entitled "An Act to constitute the customs service of the Philippine Archipelago and to provide for the administration thereof," as amended,

to provide that merchandise in bond may be withdrawn for delivery on board vessels of the United States Government and foreign vessels.

By unanimous consent, the bill was read the first and second times and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it be passed with the following amendments:

Section 1, line 7, strike out the word "Government."

Section 2, line 7, strike out the word "Government;" line 10, insert after the word "or" and before the words "a special" the word "before;" line 11, strike out the comma after the word "exported;" line 12, strike out the word "Government."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Shuster thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried. At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon the passage of the bill as amended, the roll was called, and Commission Bill No. 24 was unanimously passed.

Commissioner Shuster thereupon moved to amend the title, by striking out the words "to provide," in line 4, and inserting in lieu thereof the words "by providing," and by striking out in line 6 thereof the word "Government."

The motion prevailed.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

SECOND READING AND REJECTION OF BILL.

C. B. No. 21. A Bill abolishing the office of sheriff as now constituted in the various provinces of the Philippine Islands and imposing the duties of the sheriff upon the clerk of the Court of First Instance and the senior inspector of Constabulary, repealing Acts and parts of Acts inconsistent with this Act, and for other purposes.

The bill was read the second time and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that the enacting clause be stricken out.

The question being upon the adoption of the report and recommendation of the Committee of the Whole,

On motion by the President,

The roll was called, with the following result:

Yeas: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President;

Nays: None.

The President thereupon declared the bill rejected.

EXECUTIVE SESSION.

On motion by Commissioner Tavera,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 287, 288.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

THURSDAY, JANUARY 16, 1908.

The Commission met at the call of the President at 9 o'clock and 30 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNALS.

During the reading of the Journals of Monday, January 13, and Tuesday, January 14, 1908,

On motion by the President,

The further reading was dispensed with.

The Journal of Wednesday, January 15, 1908, was read and approved.

CONSIDERATION OF SPECIAL ORDER.

Attorney-General Araneta being present at the invitation of the Commission,

On motion by the President,

The Commission went into Committee of the Whole for the purpose of further considering Commission Bill No. 23, the same having been set as a special order for January 15, 1908, and not having been reached.

After some time spent therein, the committee rose and reported to the Commission with the recommendation that the bill be passed with the following amendments:

Strike out all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. The Treasurer of the Philippine Islands is hereby empowered and directed to demand, for and in the name of the Government of the

Philippine Islands, and for and in the name of said Government to bring suit to recover, receive and receipt for all funds deposited by the Spanish Government in the Philippine Islands with the Monte de Piedad or received by said Monte de Piedad of Manila for the investment thereof for the benefit of the beneficiaries of said fund or received by said Monte de Piedad as a loan from said subscription fund. Said Treasurer, representing the Government of the Philippine Islands, is further empowered and directed to receive and receipt for all other moneys belonging to said earthquake subscription fund.

"SEC. 2. All moneys recovered or received by the Treasurer in accordance with the provisions of this Act shall be kept by him as a special trust fund for the benefit of those to whom allotments were made by said central relief committee and who have not received such allotments, and the same shall be paid to such persons, or their heirs, executors, administrators, successors or assigns, by the Treasurer as the proper court may order.

"SEC. 3. All court costs and sheriffs' fees in any action which shall be brought under the provisions of this Act shall be *de officio*.

"SEC. 4. This Act shall take effect on its passage."

Strike out the preamble and insert in lieu thereof the following:

"Whereas certain moneys were subscribed and paid into the Treasury of the Philippine Islands by the Queen of Spain and other subscribers throughout the Spanish dominions for the relief of those damaged by the earthquake which took place in the Philippine Islands on June third, eighteen hundred and sixty-three; and

"Whereas in compliance with a royal order, a central relief committee was, on the sixth day of October, eighteen hundred and sixty-three, appointed by the Governor-General to distribute said fund; and

"Whereas, on the twenty-second day of September, eighteen hundred and sixty-six, said central relief committee did allot a large portion of said fund to various sufferers named in a resolution of said committee of said date, a list of which allotments, together with the names of those to whom such allotments were made, was published by order of the Governor-General of the Philippine Islands in the Official Gazette of Manila on April seventh, eighteen hundred and seventy; and

"Whereas the sums so allotted were not paid to the persons to whom allotted by said central relief committee; and

"Whereas, in the year eighteen hundred and eighty-three, the sum of eighty thousand pesos, gold, belonging to said subscription fund, was, by the Spanish Government in the Philippine Islands, deposited with the Monte de Piedad of Manila and received by said Monte de Piedad; and

"Whereas said central relief committee no longer exists and can not carry out the duties for which it was originally organized; and

"Whereas said sum of eighty thousand pesos, gold, is still retained and held by the said Monte de Piedad and has never been paid either to the Spanish Government in the Philippine Islands or to its successors or to the beneficiaries of said fund, or any of them; and

"Whereas said persons to whom such allotments were made, or their heirs, now demand from the Government of the Philippine Islands the payment of the allotments made by said central relief committee, which allotments are still unpaid: Now, therefore,"

Amend the title to read as follows: "An Act authorizing and directing the Treasurer of the Philippine Islands, as the representative of the Government of the Philippine Islands, to demand, bring suit to recover, receive and receipt for funds belonging to the subscription for the relief of those damaged by the earthquake of June third, eighteen hundred and sixty-three, and to distribute the same in accordance with allotments duly made, and for other purposes."

Also that the Secretary be directed to file the report and opinion of the Attorney-General dated September 7, 1906, relating to the claims of various persons to certain funds arising from the national subscription for the benefit of those damaged by the earthquake of 1863, for future reference, and, further, that the Secretary be directed to file the draft of letter prepared by the Attorney-General to be sent to the Secretary of War, setting out the history of said fund and requesting that an effort be made through proper channels to secure from the Spanish Government the balance of this trust fund, it being deemed inadvisable by the committee that such claim against the Spanish Government be presented at this time.

The report and recommendations of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Shuster and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time in full.

The question then being upon the passage of the bill as amended, the roll was called and Commission Bill No. 23 was unanimously passed.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

A communication from the municipal secretary of Lubao, Province of Pampanga, embodying resolution of the municipal council

of said municipality, greeting the Commission upon the first meeting of the council.

Ordered filed after proper acknowledgment by the Secretary.

A communication signed by Leoncio Maranga and one hundred and thirty-four others, voters of Cordoba, now consolidated with the municipality of Opon, Cebu, petitioning the separation of Cordoba from Opon, the reconstitution of Cordoba as an independent municipality and the consolidation with it of the barrio of Santa Rosa, now a part of Opon.

On motion by the President,

Referred to the Committee on Municipal and Provincial Governments, with the recommendation that the committee bring the matter to the attention of the Governor-General, who can act administratively thereon under the provisions of Act No. 1748.

THIRD READING OF BILLS.

C. B. No. 16. An Act to refund customs duties in certain cases. The bill was read the third time.

It was thereupon moved by Commissioner Shuster, seconded by Commissioner Tavera, that further consideration of Commission Bill No. 16 be indefinitely postponed.

The motion prevailed.

On motion by the President,

Commission Bill No. 18, "An Act providing for the retirement of certain civil employees of the Philippine Government on part pay after ten or more years of satisfactory service," was taken from the table.

The bill was read the third time.

It was thereupon moved by Commissioner Shuster, seconded by Commissioner Tavera, that further consideration of Commission Bill No. 18 be indefinitely postponed.

The motion prevailed.

EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 288.)

ADJOURNMENT.

Thereupon, at 11 o'clock and 50 minutes antemeridian,

On motion,

The Commission adjourned to meet again on Friday, January 17, 1908, at 9 o'clock antemeridian.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, JANUARY 17, 1908.

The Commission met pursuant to adjournment.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

CONSIDERATION OF SPECIAL ORDER.

Thomas Colston Kinney, esq., W. H. Lawrence, esq., and Messrs. Loyzaga, Gouicuria, Campilla, and Guevara, representing the newspapers *El Comercio*, *La Libertas*, *El Mercurio*, and *Vida Filipina*, respectively, being present at the invitation of the Commission,

On motion by the President,

The Commission went into Committee of the Whole for the purpose of further considering Commission Bill No. 17, "A Bill to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams," heretofore set as a special order for 9 o'clock antemeridian of this date.

After some time spent therein, the committee rose and reported to the Commission with the recommendation that the bill be passed with the following amendments:

Page 1, section 2, lines 10 and 11, strike out the words "whether a member of or a subscriber to any such person, association, or corporation;" line 14, strike out the words "or in any letter or" and insert in lieu thereof the words "or in any printed;" line 15, strike out the words "or other printed or written communication" and insert in lieu thereof the words "or in any other printed form or communication, nor transmit to the provinces by telegram for the purpose of publication."

Page 2, section 3, lines 12, 13, and 14, strike out the the words "the date and hour of its receipt and of its publication, and such statement shall be *prima facie* evidence of the time of the receipt and publication of such message" and insert in lieu thereof the words "and the notations on the original telegram as to the hour and date of receipt, the address and the number of words in the telegram shall be *prima facie* evidence that the original telegram was received by the addressee from the place therein mentioned at such hour and date, and also of the number of words received."

Page 2, strike out section 4 in its entirety.

Page 2, section 5, change the number of section to 4; line 29, strike out the words "shall be fined in a sum not exceeding one hundred pesos" and insert in lieu thereof the words "shall be punished by a fine not exceeding one hundred pesos."

Page 2, section 6, change the number of section to 5.

Page, 3, section 7, change the number of section to 6; line 9, strike out the words "together with all such" and insert in lieu thereof the words "and this Act shall apply to all private messages intended for newspaper publication sent over."

Page 3, section 8, change the number of section to 7; line 17, strike out the words "fined in a sum not to exceed one hundred pesos" and insert in lieu thereof the words "punished by imprisonment not exceeding one year or by a fine not exceeding one hundred pesos."

Page 3, section 9, change number of section to 8; line 22, strike out the word "fined" and insert in lieu thereof the words "punished by a fine."

Page 3, section 10, change number of section to 9.

The report and recommendation of the Committee of the Whole were adopted.

The bill was ordered rewritten as perfected in Committee of the Whole and placed on file for third reading.

(For discussion in Committee of the Whole, see pp. 403-408.)

EXECUTIVE SESSION.

On motion by Commissioner Shuster,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 288, 289.)

ADJOURNMENT.

Thereupon, at 11 o'clock and 20 minutes antemeridian,

On motion,

The Commission adjourned to meet again on Saturday, January 18, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

SATURDAY, JANUARY 18, 1908.

The Commission met at the call of the President at 11 o'clock and 30 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNALS.

The Journals of Thursday, January 16, and Friday, January 17, 1908, were read and approved.

URGENT BUSINESS.

Commissioner Shuster was granted unanimous consent to present under the heading of urgent business a communication from M. F. Loewenstein, manager of Castle Bros., Wolf & Sons, as follows:

MANILA, *January 18, 1908.*

MY DEAR MR. SHUSTER: I have just made the unpleasant discovery that because we are obliged to pay customs duties on our importations we are unable to compete with the Subsistence Department of the United States Army, which does not pay duties, for the business of the Civil Hospital. As you are aware, under an order of the Secretary of War the Civil Hospital is permitted to purchase its supplies from the Subsistence Department. We have just submitted our prices on about 100 cases of groceries, and find that but for the duties our figures would be as low, or lower, than those of the Subsistence Department.

Our firm is one of the largest contributors to the revenues of the Insular Government, having paid last year in import and export duties ₱450,000, whereas our payments for internal-revenue taxes, licenses, stamps, etc., exceeded ₱30,000.

It is most discouraging that because we pay these taxes we should be disbarred from any part of the business which the Insular Government has

to place. Unfortunately conditions in these Islands at the present time are such that we are dependent, to some extent, on the business of the Insular Government, otherwise I assure you I would not trouble you about this matter.

As to the wisdom of the policy which makes the above condition possible, I have no comments to make, preferring to let you judge for yourself.

It is very much in line with that which compels us to sell smoked bacon which costs us 35 centavos per pound, inclusive of a customs duty of 3 centavos, at 28 centavos, simply because soldiers are selling their surplus rations at this price to our customers, thereby depriving the Insular Government of the customs duties and the merchant of his legitimate business.

I wish simply to call your attention to this because I know that you have always felt very strongly on this subject.

Yours, very truly,

M. F. LOEWENSTEIN.

Hon. W. MORGAN SHUSTER,

Secretary of Public Instruction, Manila, P. I.

On motion by the President,

The communication was referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that the following resolution be adopted:

C. R. No. 28. *Resolved*, That the Secretary be, and is hereby, directed to transmit a copy of the letter of M. F. Loewenstein to the Secretary of the Interior, with the suggestion that the Commission has, on two different occasions, taken the stand that the Army should not be permitted to sell its supplies to the public in the markets of the Islands without paying the regular customs duties on such supplies; that the attitude of the Civil Government will appear somewhat inconsistent if it encourages purchases by Bureaus and Offices of the Government of such supplies from the Army to the disadvantage of local merchants who have paid duties and who of course can not sell their goods at as low prices as the military, whose goods are imported duty free; and that it is the sense of the Commission that the Bureau of Health should be instructed not to purchase its commissary supplies from the military authorities, or that, if it does purchase such supplies from the Army, that it pay the usual customs fees on such goods; and

Resolved further, That a copy of the communication of Mr. Loewenstein, accompanied by a copy of the foregoing resolution, be furnished the commanding general, Philippines Division, requesting comment in so far as the sale of Army supplies to the dealers in the open market without payment of duties is concerned.

The report of the Committee of the Whole and the resolution recommended were unanimously adopted.

(For discussion in Committee of the Whole, see pp. 409-413.)

MESSAGE FROM THE ASSEMBLY.

JANUARY 16, 1908.

SIR: I have the honor to return herewith Assembly Joint Resolution No. 4, entitled "Joint Resolution providing that a recommendation be made to the Congress of the United States that it empower the Philippine Legislature to enact a law establishing a day other than that provided by the Act of Congress of July first, nineteen hundred and two, for the opening of the sessions of the Philippine Legislature, and urging prompt action," and to advise you that the amendment made thereto by the honorable Commission passed the Assembly January 16, 1908.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

To the Honorable,
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered, That Assembly Joint Resolution No. 4 be enrolled and printed as a resolution of the Legislature.

THIRD READING AND PASSAGE OF BILL.

C. B. No. 17. An Act to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams.

The bill was read the third time.

By unanimous consent, the President moved the adoption of the following amendments:

Page 1, section 1, line 2, strike out the words "Telegraphic Messages Act" and insert in lieu thereof the words "Telegraph Message Act;"

Page 2, section 3, line 13, insert after the word "address" and before the words "and the number" the following words: "the place from which received."

The motion prevailed.

The question then being upon the passage of the bill as amended, the roll was called, and Commission Bill No. 17, as amended, was unanimously passed; and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session, see p. 289.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian, the Commission adjourned to meet again on Monday, January 20, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

MONDAY, JANUARY 20, 1908.

The Commission met at the call of the President at 10 o'clock and 45 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF COMMUNICATION.

At the direction of the President, the Secretary read a communication from Honorable J. M. Lerma, Assembly Delegate from Bataan Province, presenting a petition made in his own name and on behalf of Messrs. Ceferino Tiangco, Julian Calimbos, Pedro Paguio, and Felipe de los Reyes, requesting the authorization of a concession to reconstruct, under certain conditions, an irrigation ditch in the town of Pilar, of the Province of Bataan.

Ordered, That the papers be referred to the President, as a select committee of one, for examination, and if he finds that a franchise is necessary to authorize the work contemplated, that he have the same prepared for submission to the Commission.

THIRD READING AND PASSAGE OF BILL.

On motion by the President,

The Commission went into Committee of the Whole for the purpose of resuming consideration of Commission Bill No. 14, "A Bill to provide for the granting of a franchise to construct, maintain, and operate telephone and telegraph systems, and to carry on other

electrical transmission business in and between the Provinces of Albay and Ambos Camarines and in and between the municipalities thereof."

After some time spent therein, the committee rose and reported to the Commission, with the recommendation that the bill be passed, with the following amendments:

Section 1, page 2, line 11, strike out the comma after the word "electric."

Section 6, page 6, lines 9 and 10 and line 12, strike out the words "one thousand five hundred pesos" and insert in lieu thereof the words "one thousand pesos"; page 7, line 9, insert after the word "operate" and before the word "according" the words "fifty telephones in the Province of Albay and fifty telephones in the Province of Ambos Camarines."

Section 12, strike out in its entirety and insert in lieu thereof the following:

"SEC. 12. The grantee, his successors or assigns, shall be entitled to charge such rates as may, from time to time, be previously approved by the Board of Rate Regulation created by Act Numbered Seventeen hundred and seventy-nine, entitled 'An Act to create a board for the regulation of rates chargeable by public-service corporations in the Philippine Islands, and for other purposes.' No subscribers for telephones authorized by this Act shall be obliged to purchase instruments or to make any deposit whatever for telephone installation."

Section 15, page 11, line 24, after the words "nineteen hundred and two" and before the words "are incorporated," insert the following words: "which are applicable to grantees of franchises or concessions, or to their successors or assigns."

Section 16, strike out in its entirety.

The report and recommendation of the Committee of the Whole were adopted.

On motion by Commissioner Shuster,

The bill was thereupon read the third time.

The question then being upon the passage of the bill as amended, the roll was called and Commission Bill No. 14, as amended, was unanimously passed and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

EXECUTIVE SESSION.

On motion by Commissioner Shuster,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

ADJOURNMENT.

Thereupon, at 12 o'clock and 20 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Tuesday, January 21, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

TUESDAY, JANUARY 21, 1908.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNAL.

The Journal of Monday, January 20, 1908, was read and approved.

RESOLUTION.

The following resolution was introduced by Commissioner Shuster:

C. R. No. 29. *Resolved*, That the Secretary be, and is hereby, authorized to take steps to have printed and bound at the end of the present session of the Legislature two hundred copies in English and two hundred copies in Spanish of the Journal of the Commission, and to that end to have printed at the present time for examination by the Commission a number of sample pages of said Journal, and after approval thereof to forward to the Bureau of Printing typewritten copies of the minutes up to date, in order that the printing of the whole Journal may be completed and ready for distribution as soon as practicable after the present session; twenty-five copies of the Journal in English and twenty-five copies in Spanish to be bound in full sheep, and the remainder in full cloth.

The resolution was adopted.

MORO PROVINCE.

The Secretary submitted to the Commission Act No. 203 of the legislative council of the Moro Province, which act had been forwarded to the Commission in accordance with the provisions of section 32 of Act of the Philippine Commission No. 787.

On motion by Commissioner Shuster, it was

Resolved, That under and by virtue of the provisions of the Act of Congress of July first, nineteen hundred and two, and in accordance with the provisions of section thirty-two of Act of the Philippine Commission Numbered Seven hundred and eighty-seven, Act Numbered Two hundred and three of the legislative council of the Moro Province, passed January fifth, nineteen hundred and eight, entitled "An Act appropriating the sum of eight hundred and eighty pesos, Philippine currency, from the road-tax fund for roads and bridges in the vicinity of the municipality of Parang," be, and the same is hereby, approved.

EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 290.)

ADJOURNMENT.

Thereupon, at 9 o'clock and 50 minutes antemeridian,

On motion,

The Commission adjourned to meet again on Wednesday, January 22, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

WEDNESDAY, JANUARY 22, 1908.

The Commission met at the call of the President at 10 o'clock antemeridian.

There being no objection, the calling of the roll was dispensed with.

READING OF JOURNAL.

The Journal of Tuesday, January 21, 1908, was read and approved.

RESOLUTION.

C. R. No. 30. *Resolved*, That it is the opinion of the Commission, heretofore informally expressed, that ordinarily it is unnecessary that the discussions of the Commission when in executive session or when sitting in Committee of the Whole be reported stenographically, and that notes need be taken only in the case of hearings, the discussion of important questions, or the consideration of matters a record of which may be deemed advisable by the Commission to have, in which case the Secretary shall be so notified; and

Resolved further, That the records of such discussions as may be taken be printed at the back of the Journal of the Commission, notation to be made at the foot of the regular Journal entry of the page number at which the discussion may be found, and that there be printed at the back of the Journal also confirmations of nominations made by the Commission in executive session, under the dates on which such confirmations were made.

The resolution was adopted.

MISCELLANEOUS COMMUNICATIONS.

The following communications were presented by the President:

A communication from the municipal president of Valladolid, Occidental Negros, dated January 13, 1908, embodying a resolution

of the municipal council of said municipality, adopted on January 11, 1908, protesting against the enactment of the law increasing the annual salary of the Speaker of the Philippine Assembly to ₱16,000 and the per diems of Delegates to ₱30.

Referred to the President, on his own motion.

Telegraphic communications as follows:

[Translation.]

ILAGAN, *January 21, 1908.*

PHILIPPINE COMMISSION, *Manila.*

More than three hundred electors and numerous residents this municipality in a peaceful demonstration paraded streets this town coming to municipal building asking for right suffrage and protesting against designation Guzman as Delegate from Isabela. Electors protest exclusion municipality Ilagan and request new election. They claim they have right to cast vote and they do not wish that their rights be forfeited.

MARAMAG, *President.*

[Translation.]

TUMAUNI, *January 22, 1908.*

PHILIPPINE COMMISSION, *Manila.*

President and municipal council Tumauni on behalf municipality protest against resolution Assembly proclaiming Guzman Delegate from Isabela and they ask for new election.

JUAN M. TACAD,
Municipal President.
BERNARDO COLUMBANO,
MATEO BANGUEL,
JUAN BACANI,
VICENTE FERREB,
VICENTE SALAZAR,
VICENTE ANGOBUNG,
JOSÉ BUCAD,
DOROTEO GIMENEZ,
FRANCISCO TAGUFA,
Councillors.

[Translation.]

NAGUILIAN (via ILAGAN), *January 22, 1908.*

Honorable PHILIPPINE COMMISSION, *Manila.*

Municipality Naguilian protests declaration Guzman Delegate from Isabela. If former election was not regular, we beg that people must be given opportunity with new election to announce their will.

JUAN G. CARTECIANO,
Municipal President, Naguilian.

The President explained that the above protests were evidently received as a result of the following telegram sent by the Secretary of the Assembly to the provincial governor of Isabela :

MANILA, *January, 20, 1908.*

PROGOV, *Ilagan, Isabela.*

Philippine Assembly session this morning declared Dimas Guzman Delegate-elect Isabela. Votes cast Ilagan null; accordingly election Ilagan null. Please notify parties interested.

NIEVA, *Secretary, Assembly.*

Ordered, That the Secretary be, and is hereby, instructed to inform the municipal presidents of Ilagan, Tumauini, and Naguilian, Province of Isabela, by telegraph that under the provisions of the Act of Congress of July 1, 1902, authorizing the organization of the Philippine Assembly, the Assembly is made the sole judge of election, returns, and qualifications of its members, and that the Philippine Commission has no jurisdiction and no right whatever to intervene in the matter, so that any determination that may be reached by the Assembly on such questions is final; and

Ordered further, That the telegrams received from the above-mentioned municipal presidents be transmitted to the Assembly, together with a copy of this order, for such action as it may deem proper.

INTRODUCTION AND FIRST AND SECOND READINGS OF BILL.

Commissioner Shuster introduced the following bill:

C. B. No. 26. A Bill authorizing the Governor-General to convey, under certain conditions and restrictions, Insular property to provinces and municipalities of the Philippine Islands, to be used for public school purposes.

The bill was read the first and second times and was referred to the Committee of the Whole. It was considered in Committee and reported to the Commission with the recommendation that it pass.

It was thereupon ordered on file for third reading.

EXECUTIVE SESSION.

On motion by Commissioner Tavera.

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 290.)

ADJOURNMENT.

Thereupon, at 11 o'clock and 25 minutes antemeridian,

On motion,

The Commission adjourned to meet again on Thursday, January 23, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

THURSDAY, JANUARY 23, 1908.

The Commission met at the call of the President at 9 o'clock antemeridian.

There being no objection, the calling of the roll was dispensed with.

READING OF JOURNAL.

The Journal of Wednesday, January 22, 1908, was read and approved.

THIRD READING AND PASSAGE OF BILL.

C. B. No. 26. An Act authorizing the Governor-General to convey, under certain conditions and restrictions, insular property to provinces and municipalities of the Philippine Islands, to be used for public school purposes.

The bill was read the third time.

The question then being upon its passage, Commission Bill No. 26 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

REPORT OF SELECT COMMITTEE.

[Committee Report No. 13.]

JANUARY 22, 1908.

MR. PRESIDENT: Your select committee of one, to whom was referred on January 11, 1908, Assembly Bill No. 1, "An Act providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth day of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund," has amended the same in accordance with the instructions of the Commission of said date, and now has the honor to report it back to the Commission with the recommendation that it be passed with the following amendments:

"Strike out all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. The unpaid balances on all loans or parts of loans made to provincial or municipal governments of the Philippine Islands, except the city of Manila, before the fifteenth day of October, nineteen hundred and seven, out of the general funds of the Insular Treasury or of the United States Congressional relief fund, for the cancellation of which loans conditions and terms have not already been specifically prescribed by law, are hereby canceled: *Provided*, That each provincial or municipal government, the indebtedness of which shall be canceled under the terms of this Act shall provide and pay into a special school fund of the province or the municipality, as the case may be, from its general funds on or before the thirty-first day of December, nineteen hundred and eight, and on or before the thirty-first day of December of each successive calendar year thereafter, an amount equal to not less than one-tenth of the total amount of the indebtedness of such provincial or municipal government, as the case may be, canceled in accordance with this Act. And said annual payments from the general funds of such provincial and municipal governments into the said special school funds shall continue until the entire amount of the indebtedness shall in each case be extinguished. Expenditures from the said special school funds shall be made only in the purchase and construction of buildings for primary, intermediate, and high school instruction, including instruction in industrial work, manual training, agriculture, and the arts and sciences, for the remodeling and repair of such buildings and for the remodeling of other primary, intermediate, and high school buildings, and for the purchase of permanent equipment, tools, machinery, and implements not constituting current expendible supplies, for use in connection with said buildings, and shall be made with the approval of the respective provincial boards or municipal councils, as the case may be.

"SEC. 2. Nothing in this Act contained shall be construed to modify or repeal any of the provisions of Acts Numbered Fifteen hundred and sixty, Sixteen hundred and one, Sixteen hundred and three, Sixteen hundred and twenty-two, or Sixteen hundred and seventy-nine, or as affecting or changing the terms and conditions upon which the indebtedness to the Insular Government mentioned in said Act shall be extinguished by the provinces concerned.

"SEC. 3. This Act shall take effect on its passage."

Your select committee further reports in accordance with instructions of the Commission given on January 11, 1908, that the total amount of indebtedness of the provinces to the Insular Government which will be canceled by the proposed bill, excluding the city of Manila, is, from Insular funds, ₱563,277.30; from Congressional relief funds, ₱109,333.33, a total from both funds of ₱672,610.63.

The indebtedness canceled for each province other than by this bill and the Acts mentioned therein your committee has been unable to ascertain within the time allowed, and a similar statement must be made with regard to the assistance otherwise rendered by the Insular Government to each province since the establishment of civil government, the Acting Insular Auditor having replied to these questions that the only available

data is that contained on page 814 of Part II of the Report of the Auditor for the Philippine Islands for the year 1906-7. Nothing is shown in the tables there given with regard to the indebtedness of any municipalities to the Insular Government. It is to be noted, of course, that in accordance with the instructions of the Commission the indebtedness of the city of Manila to the Insular Government has not been canceled by this bill.

Attached hereto is a table showing the loans made to the provinces in the Philippine Islands which remained unpaid on June 30, 1907, and for the cancellation of which no special legislation has heretofore been had; and also a statement of the indebtedness of provinces for the cancellation of which specific conditions and terms have been prescribed by law, said laws being Acts Nos. 1560, 1601, 1603, 1622, and 1679, respectively.

Your committee regrets that it has been unable to secure within the time allowed, more complete data along the lines desired by the Philippine Commission.

Respectfully,

W. MORGAN SHUSTER, *Committee.*

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

TABLE TO ACCOMPANY COMMITTEE REPORT NO. 13.

Loans made to the provinces in the Philippine Islands which remained unpaid on June 30, 1907, and for the cancellation of which no specific legislation has been heretofore had.

From Insular funds:

Albay	₱85,000.00
Ambos Camarines	50,000.00
Antique	22,500.00
Bataan	6,000.00
Cavite	43,461.53
Cebu	35,000.00
La Laguna	60,000.00
Mindoro	5,000.00
Occidental Negros	16,000.00
Oriental Negros	16,000.00
Pangasinan	5,000.00
Rizal	75,000.00
Samar	44,230.77
Sorsogon	20,000.00
Tayabas	70,085.00
Zambales	10,000.00

From Congressional relief funds:

Albay	65,000.00
Cavite	25,000.00
Ilocos Sur	19,333.33

List of indebtedness of provinces for the cancellation of which specific conditions and terms have been prescribed by law.

Bataan	₱6,000.00
(NOTE.—Canceled upon condition that province provide equal amount for school construction before January 1, 1909, see Act 1601.)	
Batangas	49,664.47
(NOTE.—Canceled in favor of school fund by Act No. 1622.)	
Capiz	55,000.00
(NOTE.—Canceled in favor of school fund by Act No. 1622.)	
Cebu	42,500.00
(NOTE.—Canceled in favor of school purposes by Act No. 1560.)	
Iloilo	50,000.00
(NOTE.—Canceled in favor of the provincial school fund by Act No. 1622.)	
La Union	37,000.00
(NOTE.—Canceled in favor school fund by Act No. 1603.)	
Nueva Ecija	15,000.00
(NOTE.—Canceled in favor of school fund by Act No. 1603.)	
Sorsogon	20,000.00
(NOTE.—Canceled in favor school fund by Act No. 1603.)	

Indebtedness to Congressional relief fund for the cancellation of which specific terms and conditions have been prescribed by law.

Bulacan	₱10,000.00
(Canceled in favor of provincial road and bridge fund by Act No. 1679.)	
Romblon	6,000.00
(Canceled in favor of provincial school fund by Act No. 1622.)	

The report of the select committee on Assembly Bill No. 1 was accepted and the amendment recommended therein was adopted.

On motion by Commissioner Shuster, seconded by Commissioner Tavera,

The bill was ordered rewritten as amended and placed on file for third reading.

EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business the Commission returned to regular session.

(For appointments confirmed in executive session see p. 290.)

ADJOURNMENT.

Thereupon, at 11 o'clock and 30 minutes antemeridian,

On motion,

The Commission adjourned to meet again on Friday, January 24, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, JANUARY 24, 1908.

The Commission met at the call of the President at 10 o'clock and 10 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

THIRD READING AND PASSAGE OF BILL.

A. B. No. 1. An act providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal Governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund.

The bill was read the third time.

By unanimous consent, the President moved the adoption of the following amendments:

Page 2, section 1, lines 3, 4, and 5, strike out the words "of the total amount of the indebtedness of such provincial or municipal government, as the case may be, canceled in accordance with this Act" and insert in lieu thereof the words "of the total amount of its indebtedness canceled in accordance with this Act;" in lines 18, 19, and 20, strike out the words "and shall be made with the approval of the respective provincial boards or municipal councils, as the case may be" and insert in lieu thereof the words "and shall be made by the respective provincial boards or municipal councils, as the case may be, with the approval of the Secretary of Public Instruction."

The motion prevailed.

By unanimous consent, Commissioner Shuster moved the adoption of the following amendment:

Page 2, section 1, line 10, strike out the word "in" and insert in lieu thereof the word "for."

The motion prevailed.

The question then being upon the passage of the bill as amended,

On motion by the President,

The roll was called, with the following result:

Yeas: Commissioners Tavera, Luzuriaga, Shuster, and the President;

Nays: Commissioner Forbes.

A majority having voted in favor of the passage of Assembly Bill No. 1, as amended, the President declared the bill passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

EXPLANATIONS OF VOTES.

The PRESIDENT. The provinces have already received from the Insular Government very substantial aid in the construction and maintenance of roads. By Act No. 1695 provinces were allowed an additional 10 per cent of the internal revenue, which will furnish aid for road work to the extent of not less than ₱750,000 for the year 1908. By Act No. 1688, the sum of ₱1,321,325 was appropriated for roads and bridges, ₱821,225 of which was for special road and bridge work, and ₱500,000 to be expended in the discretion of the Secretary of Commerce and Police; and by Act No. 1783 an additional ₱200,000 was appropriated, to be expended for the same purpose in the discretion of the Secretary of Commerce and Police. Moreover, it should be remembered that a great deal of the money which has been loaned to provinces by the Insular Government in the past has been used in the construction of roads, which money so expended has been for the most part wasted by reason of the fact that the roads constructed have not been maintained nor has any provision been made by the majority of provinces for their maintenance.

The fact that there are fully 600,000 children of school age in the Islands who at present have no opportunity to acquire even the

elements of an education also influences me to vote in favor of using the fund created by this Act solely and exclusively for school purposes. It may be said that a large sum has already been appropriated by the Legislature for barrio schools. That is true, but this sum, when divided up among 3,400 barrios, amounts to only about ₱300 per barrio. Considering that a suitable school building of permanent materials can not be constructed in any barrio at a cost of less than ₱1,800, and probably the average will reach ₱2,500, the sum appropriated will furnish school buildings for not more than 400 barrios, or less than one-eighth of the entire number. If the Filipino people are to enjoy the full advantages of popular government, it is very evident that facilities for education must be furnished to the masses of the people.

Commissioner TAVERA. I believe that public instruction and ways of communication are two of the most important needs of the Philippine Islands, but in dealing with the cancellation of these debts of the provinces, I should prefer that the funds to be expended by the provinces and municipalities in consideration of the cancellation of these debts should be expended exclusively, as set forth in this law, for the benefit of public instruction. The sum which could be dedicated to roads and bridges and public works would be very small; the provinces have already received financial aid from the Insular Government on various occasions; and it appears that the people in general take much more interest in public instruction than in the maintenance of good roads. As I said before, believing that I am interpreting the sentiment of the people, I should prefer that this money be expended solely for public instruction.

Commissioner LUZURIAGA. I have always believed that one of the elementary duties of every good government is the education of the people, as well as the establishment of good highways and roads, which will facilitate communication at the same time that they cheapen transportation of crops and products.

With this understanding, I have heretofore been of the opinion that in the event of the cancellation of the indebtedness of the provinces to the Insular Government, as it is proposed to do by the bill now under discussion, both the Bureau of Education and that of Public Works, as regards highways, roads, and bridges, should have equal participation in the sums so remitted.

But, after a more ample discussion of this matter and an examination of the data which it has made manifest, it was clearly

demonstrated that during this fiscal year the sum of ₱4,439,425 was assigned to provincial public works for roads and bridges, the following being the several items: By Act No. 1688, ₱1,321,925; from internal revenues, 10 per cent additional, ₱750,000; from general funds, additional appropriation for roads, ₱200,000; from double cedula, estimated amount, ₱1,920,000; for the Antipolo road, ₱5,000; for the Sibul road, ₱52,500; for the Pagbilao-Atimonan road, ₱120,000; for improvements on the Baguio road, ₱50,000; from Insular funds appropriated for the Province of La Laguna for the maintenance of prisoners employed in road-construction work, ₱20,000; all these items aggregating ₱4,439,425; while for public instruction there was set aside the sum of ₱4,110,000, according to the Acts passed which made appropriations for the present year. It is true that the Gabaldon Act appropriated ₱1,000,000 for the erection of barrio schools and that by a new bill presented to the Assembly it is proposed also to authorize an additional appropriation to pay the salaries of barrio school-teachers; but this bill has not yet been passed by the Assembly and, as regards the Gabaldon Act, there should be borne in mind the many difficulties that will be met in practice in the application of its provisions for the construction of schoolhouses, on account of the poverty of many barrios and of other reasons easy to understand, which, for the sake of brevity, will not be mentioned. The result will be that the greater part of the million pesos appropriated will not be expended and that in many cases the benefits of the Act will be problematic. On the other hand, even if the results of this Act were positive, the sum of ₱1,000,000 distributed among 3,400 barrios gives an average of only ₱294.11, which, it can be seen, will be scarcely sufficient to start the construction of a schoolhouse of durable materials in each barrio.

There is no doubt that to have good roads is as important as having an efficient educational system. We all know the almost absolute lack of fairly good roads in some provinces and that, with the exception of the capital of the Archipelago and some provincial capitals, the immediate establishment of good highways of communication is everywhere a necessity greatly felt. But it is also notorious that as regards public instruction, in spite of the great encouragement given it by the Government, it is still necessary that such effort be more than doubled, so as to make possible the consummation of the educational plan initiated and maintained by the

Secretaries of Public Instruction and the Philippine Commission, now very wisely supported by the Legislative Assembly.

We therefore have it that on one hand to restore our prostrate agriculture we need roads; and that, on the other, it is in every respect necessary to educate and instruct our people, and to do it in a manner that all young people and children of both sexes in every part of our territory may share in the benefits of education. According to this, the work of the Government in this respect ought to consist in encouraging equally the development of the two things indicated (public works and education), by applying in equal measure to one and the other the funds necessary for the purpose of achieving the desired result. The fact is that the Insular Government has already appropriated in this fiscal year very nearly ₱5,000,000 for provincial roads and highways and work pending from previous years, while only ₱4,110,000, including the part provided for by the Gabaldon Act, was appropriated for public instruction for the same period; hence it appears that more money was appropriated for roads and highways, and that the difference in favor of the latter (as shown by a comparison of said appropriations) greatly exceeds the total indebtedness of the provinces to the Insular Government which it is the purpose of the bill presented to remit.

Now, then, in view of the data given and inasmuch as according to the figures of the amounts appropriated a lesser sum was assigned to education for this fiscal year than to roads and highways during the same period, I am under the necessity of rectifying my former proposition and cast my vote, in case of the remission of the total indebtedness of the provinces to the Insular Government as proposed in the bill under discussion, for the assignment of said sum to public education.

Commissioner SHUSTER. In casting my vote for this bill as read the third time and, by unanimous consent, amended in one or two slight particulars, I desire to state that I am in hearty accord with the reasons advanced by the President of the Commission and by Commissioners Tavera and Luzuriaga in voting affirmatively thereon. I am strongly in favor of spending all the money which the Insular Government can find available for the construction of roads and bridges, and, if it were possible at all, with the funds at the disposal of the Government, to install an Insular system of road maintenance, I would be in favor of that; but it seems that as

large and generous a provision for the building and maintenance of roads throughout the Islands as it is possible for the Insular Government to make at this time has already been made for the coming year. In addition to the amounts appropriated in the various Acts to which the President of the Commission has called attention, there is the double cedula tax, which, if adopted by all of the provinces throughout the Islands, would give an additional fund of about ₱1,920,000 annually solely for road maintenance. It was adopted for the past year by most of the provinces, and it is estimated that said "road tax," so far as adopted, will produce a total fund of about ₱1,400,000 annually. This sum, in addition to the amounts mentioned by the President of the Commission, makes the total contemplated expenditure for road and bridge work in the Philippine Islands under the auspices of the Insular Government and the provinces more than four millions of pesos, as was stated the other day, in the discussion of the original draft of this bill, by the Secretary of Commerce and Police, Commissioner Forbes. Incidentally this amount alone is more than the entire annual appropriation for the educational system which we are endeavoring to provide for some seven millions of people. I have always cast my vote, wherever I could see my way clear to do so, for appropriations for good roads, but I feel that in this case, since much of the original money loaned which produced this indebtedness was spent for roads, to allow the repaid amounts to be spent for roads would be unfair to the school system. Furthermore, as the total amount which will be repaid in the next ten years will be less than ₱700,000, it means after all that in some thirteen provinces, for each of the coming ten years, we will have a small nucleus for a school fund, which, while not large enough to give any very substantial aid in school construction, may at least serve to encourage additions to said funds from other Government revenues and from private subscriptions. The total amount of these funds will not exceed ₱70,000 a year, distributed over said thirteen provinces, and I do not believe that that amount of money would be seriously missed from road work. Considering that only 10 per cent of the ₱700,000 will become available this year, the schools will be benefited only to the extent of about ₱70,000, which added to the entire current appropriation for schools this year would make only about ₱3,580,000, or very much less than that which is available for roads and bridges. The Commission will recall that at the time the additional 10 per cent from

internal revenue was given for road and bridge construction I strongly urged that a similar amount should be given for the school system throughout the Islands, but the law as finally passed only provided an additional 5 per cent for the schools, or one-half the additional amount annually available for road work.

I therefore vote for this bill in its amended form.

Commissioner FORBES. In casting my vote against the adoption of this amendment I wish to set forth that the bill itself does not provide that the money shall go for roads and not for schools; it merely provides that the decision as to whether it goes for roads or for schools shall be left in the hands of the local authorities. This seems to answer Commissioner Taverá's argument to the effect that the sentiment of the people being in favor of public instruction, we, as representatives of the people, should so apportion this money. If the sentiment is as represented, the local authorities from time to time will so apportion this money; whereas, should the sentiment change during the coming ten years, this action now would preclude the possibility of the local authorities conforming to the then wishes of the people.

Without entering into a discussion of the relative importance of schools and roads, which, I believe, would be fraught with no possible results, as it is admitted on all sides that they are both of utmost importance and essential to the success of the administration, and in view of the fact that those who are suggesting that this money be used for schools have indicated their willingness to appropriate large sums of money for roads by recent votes, and I, who am urging this bill making it possible for the provinces to use this money for roads, have recently cast my vote for a large additional appropriation for schools, I am merely pleading that this matter be left for local decision on the spot and at the time, instead of being decided now for all provinces and for ten years.

Mr. Shuster's argument, and that of the Governor-General, that large sums of money have been voted for roads, carries no weight whatever with me, because they both know as well as I that the amount appropriated is not a drop in the bucket and will not put more than a small fraction of our roads into even passable condition. They know that were the organization able to stand it, and had the machinery and tools to do the work, that ten times four million pesos would not by any means be too large a sum for expenditure upon the roads. Another argument which carries no weight with

me whatever is the argument that when divided among the provinces over a period of ten years ₦700,000 becomes a small sum. It is ₦700,000 no matter how figured, and I do not consider that a small sum. In view of the present finances I consider it a very large sum. ₦700,000 means just what it says—₦700,000.

I therefore vote that the amendment be not adopted.

INTRODUCTION AND FIRST AND SECOND READINGS OF BILL.

Commissioner Forbes introduced the following bill:

C. B. No. 27. A Bill to further amend section eleven of Act Numbered Six hundred and nineteen, in order to avoid the long delays that are frequently attendant upon summary court trials in the Constabulary.

The bill was read the first and second times, and was referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it be passed on general file for further consideration in committee.

The report and recommendation of the Committee of the Whole were adopted.

EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

ADJOURNMENT.

Thereupon, at 12 o'clock meridian,

On motion,

The Commission adjourned to meet again at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

MONDAY, JANUARY 27, 1908.

The Commission met at the call of the President at 10 o'clock and 40 minutes antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

READING OF JOURNAL.

The Journal of Friday, January 24, 1908, was read and approved.

MESSAGE FROM THE ASSEMBLY.

JANUARY 21, 1908.

MR. PRESIDENT: I have the honor to advise you that Concurrent Resolution No. 3 of the honorable Commission, entitled "Concurrent Resolution providing that neither House of the Legislature may adjourn for a period exceeding three days without the consent of the other," has been to-day concurred in by the Assembly.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

The PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered, That Commission Concurrent Resolution No. 3 be enrolled and printed as a resolution of the Legislature.

THIRD READING AND PASSAGE OF BILL.

Commission Bill No. 27, "An Act to further amend section eleven of Act Numbered Six hundred and nineteen, in order to

avoid the long delays that are frequently attendant upon summary court trials in the Constabulary," read the first and second times on a previous day and passed on general file, was considered in Committee of the Whole and reported to the Commission with the recommendation that it pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. Section eleven of Act Numbered Six hundred and nineteen, entitled 'An Act to promote good order and discipline in the Philippines Constabulary,' as amended by Act Numbered One thousand and fifty-four, is hereby further amended by striking out in the second paragraph thereof the words 'Each summary court shall keep a record in which shall be entered all cases heard and determined and the action had thereon; and no sentence adjudged by any summary court for a first offense within six months shall be executed which exceeds the limit of punishment fixed for such offense in the following table:' and the words 'or until such sentence shall have been approved by the Chief or an Assistant Chief of Constabulary.' and inserting in lieu thereof, immediately preceding the table of penalties for sundry military offenses, the following:

"Each summary court shall keep a record in which shall be entered all cases heard and determined and the action had thereon; and no sentence adjudged by a summary court for a first offense committed within six months shall be executed until it has been approved by the Director of Constabulary or an Assistant Director of Constabulary or by a senior inspector of the province, and unless said sentence shall be within the limits of punishment fixed for such offense by the following table: *Provided, however,* That where a senior inspector is acting as the summary court the sentence, before execution, must be approved by the Director or by an Assistant Director of Constabulary."

"SEC. 2. This Act shall take effect on its passage."

The report of the committee was adopted.

Commissioner Shuster thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time in full.

The question then being upon its passage, Commission Bill No. 27, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

NON-CHRISTIAN PROVINCES.

The President introduced the following bill (by request of Commissioner Worcester, absent) :

C. B. No. 28. A Bill to amend Act Numbered Thirteen hundred and ninety-six, entitled "The Special Provincial Government Act," so as to authorize courts of justices of the peace to try violations of township ordinances and to provide that the fees of justices of the peace in such cases shall be payable from township funds.

The bill was read the first and second times, and was referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it be laid on the table until the return of Commissioner Worcester from Baguio.

The report and recommendation of the Committee of the Whole were adopted.

INTRODUCTION AND FIRST AND SECOND READINGS OF BILL AND CONSIDERATION THEREOF IN COMMITTEE OF THE WHOLE.

Commissioner Forbes introduced the following bill:

C. B. No. 29. A Bill providing for the filing, with the division of archives, patents, copyrights, and trade-marks of the Executive Bureau, of titles and papers setting forth the acquisition of real-estate mortgages and contracts of guaranty executed by railway companies operating in the Philippine Islands.

The bill was read the first and second times, and was referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that the enacting clause be stricken out.

The report and recommendation of the Committee of the Whole were adopted, and the President declared the bill rejected.

Ordered, That the Secretary inform the Manila Railroad Company of the rejection by the Commission of Commission Bill No. 29, entitled "A Bill providing for the filing, with the division of archives, patents, copyrights, and trade-marks of the Executive Bureau, of titles and papers setting forth the acquisition of real-estate mortgages and contracts of guaranty executed by railway companies operating in the Philippine Islands," but stating that the Commission will be agreeable to the passage of a bill to authorize the Manila Railroad Company to file its first and second mortgages, or other papers executed as security for the issuance of bonds, with the

division of archives, patents, copyrights, and trade-marks of the Executive Bureau, and to make such mortgages and securities effective liens on the railroad property, but that the Commission is not disposed to amplify or widen in any way the privilege extended to the Philippine Railway Company, or the rights conferred upon that company by Act No. 1710.

EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 290, 291.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 20 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Tuesday, January 28, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

TUESDAY, JANUARY 28, 1908.

The Commission met at the call of the President at 11 o'clock and 30 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

READING OF JOURNAL.

The Journal of Monday, January 27, 1908, was read and approved.

READING OF COMMUNICATION.

At the direction of the President, the Secretary read the following communication, received in the form of an indorsement, in reply to a communication sent to the commanding general, Philippines Division, by the Executive Secretary, in accordance with the instruction of the Commission contained in Commission Resolution No. 28, adopted January 18, 1908:

[1st indorsement.]

HEADQUARTERS PHILIPPINES DIVISION,

Manila, January 23, 1908.

Respectfully returned to the Executive Secretary of the Philippine Islands, Manila.

The division commander directs me to inform you that it has been, and is, his policy to prohibit any sale of commissary supplies to civilians in the Philippine Islands except in cases of most urgent necessity, and that he will be very glad indeed to discontinue sales to the Civil Hospital. Attention is invited to the fact that these sales were authorized by the Secretary of War, presumably upon the request of the Civil Hospital. If the Philippine Commission request the discontinuance of these sales an order to this effect

will be immediately issued. In this connection, attention is invited to previous indorsements from these headquarters in which the policy of prohibiting sales to civil employees has been clearly indicated.

S. JORDAN, *Adjutant-General*.

Ordered, That the Secretary of the Commission return the papers to the commanding general, Philippines Division, through proper military channels, with the information that the question of the purchase of Army supplies by the Civil Hospital has been taken up with the Secretary of the Interior, with a view of bringing about the discontinuance of the purchase of such supplies by the Bureau of Health without the payment of duties; that the comment of the commanding general was invited in view of the statement made by Mr. Loewenstein, in discussing the sale of Army supplies to the Civil Hospital, to the following effect—

It is very much in line with that which compels us to sell smoked bacon which costs us 35 centavos per pound, inclusive of a customs duty of 3 centavos, at 28 centavos, simply because soldiers are selling their surplus rations at this price to our customers, thereby depriving the Insular Government of the customs duties, and the merchant of his legitimate business—

that before taking action in the matter the Commission referred the papers to the Secretary of the Interior for the purpose of obtaining his opinion as to the advisability of discontinuing the purchase of military supplies for the Civil Hospital without the payment of duties, and to the commanding general for the purpose of securing his comment on the advisability of continuing the present practice of selling Army surplus rations in the open market without the payment of duties. The first indorsement, signed by the adjutant-general, states that the division commander will be glad to discontinue sales to the Civil Hospital and that it is the policy of the military authorities to prohibit sales of commissary supplies to civilians. The Commission requests information as to whether this statement was intended to cover the sale of surplus rations in the open market without payment of duties.

REPORT OF STANDING COMMITTEE.

[Third indorsement.]

[Committee Report No. 14.]

JANUARY 25, 1908.

Your Committee on Matters Pertaining to the Department of Public Instruction, to whom was referred, on January 2, 1908, a communication from the Director of Lands to the Secretary of the Interior, objecting to

the transfer to the Province of Cebu of certain lands pertaining to the Banilad friar estate, has examined the same and has the honor to report it back to the Commission with the following remarks:

The Committee on Matters Pertaining to the Department of Public Instruction believes that the objections raised in the within communication of the Acting Director of Lands, dated November 2, 1907, should not prevail.

While it is true that the dedication of a tract of 10 hectares of land at La Paz (Cebu) as a provincial school site will slightly diminish the total area of "friar lands" in that province available for leasing and sale, it is likewise true that in this, as in every other such case, the actual market value of the remainder of the tract of "friar lands" will be greatly increased by virtue of improvements which will be immediately made on this 10-hectare tract. It is intended to construct thereon three schools, of permanent type—a provincial high school, a provincial trade school, and a municipal school—the aggregate cost of which will be about ₱100,000. This fact alone, to say nothing of the attendance of hundreds of pupils, the increased value of land and houses in the neighborhood, the new stores which will be opened up, and the extension of population around the school center, will increase the value of the remainder of the tract of "friar lands" to such a degree that the slight addition in price per hectare which it would be necessary to make, in order to distribute the value of the school site over the rest of the tract, would be inconsiderable, not to say wholly unimportant. It would at all events be totally disproportionate to the increased value per hectare of the remainder of the tract.

This principle has long been recognized by private landowners, who find it *actually profitable* to *donate land* for public streets, parks, and other improvements, which they are promised will be made thereon. Proper school sites, in addition to their purely educational uses, are really great public parks, and the Government could make no better nor more *profitable* use of any of its lands than to establish suitable park sites whenever the occasion offers.

As a bill has recently passed the Commission authorizing the Governor-General to reserve public lands for school purposes, no further action by the Commission seems to be necessary.

W. MORGAN SHUSTER, *Committee*.

On motion by the President, seconded by Commissioner Shuster,
The report was laid on the table until the return of Commissioner Worcester from Baguio.

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Wednesday, January 29, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

WEDNESDAY, JANUARY 29, 1908.

The Commission met at the call of the President, at 10 o'clock and 10 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

READING OF JOURNAL.

The Journal of Tuesday, January 28, 1908, was read and approved.

RESOLUTION.

Commissioner Shuster introduced the following resolution:

C. R. No. 31. Whereas the Commission, by resolution of October second, nineteen hundred and seven, directed the printing of five hundred copies of "A Compilation of the Acts of the Philippine Commission," at a cost of not to exceed twelve thousand pesos; and

Whereas the composition for said Compilation has now been prepared and the Director of Printing estimates the cost of printing and binding in full sheep of five hundred copies of the publication to be six thousand four hundred and two pesos and ten centavos; and

Whereas the Director of Printing further states that it will cost only seven thousand two hundred and seventy-nine pesos and sixty centavos to print one thousand copies of the Compilation, provided the additional five hundred copies are not bound, but are held until called for by requisition or request for purchase; and

Whereas it is believed desirable that the small additional cost of eight hundred and seventy-seven pesos and fifty centavos be incurred, in view of the large cost of printing a new edition of the Compilation and in view of the fact that said additional cost will not increase the appropriation already made for the purpose: Now, therefore, be it

Resolved, That the Executive Secretary be, and is hereby, authorized and directed to requisition for the printing of one thousand copies of the "Compiled Acts of the Philippine Commission," the cost thereof to be payable from the appropriation made by Act Numbered Seventeen hundred and eighty-five for the Philippine Commission, five hundred copies of the edition to be bound in full sheep and five hundred copies to be held unbound pending the distribution and sale of the first five hundred copies.

The resolution was adopted.

READING OF COMMUNICATION.

At the direction of the President, the Secretary read the following telegram :

CAUAYAN, *January 28, 1908.*

Honorable CIVIL COMMISSION, *Manila* :

Municipal council, Cauayan, Isabela, having learned of the annulment of the election of the Delegate from Isabela, energetically protest against the election of any designated person without new election.

FLORENTINO LUNA, *Municipal President.*

Ordered, That the Secretary inform the municipal president of Cauayan, Province of Isabela, by telegraph, that under the provisions of the Act of Congress of July 1, 1902, authorizing the organization of the Philippine Assembly, the Assembly is made the sole judge of election, returns, and qualifications of its members, and that the Philippine Commission has no jurisdiction and no right whatever to intervene in the matter, so that any determination that may be reached by the Assembly on such questions is final ; and

Ordered further, That the telegram received from the municipal president of Cauayan be transmitted to the Assembly, together with a copy of this order, for such action as it may deem proper.

INTRODUCTION AND FIRST AND SECOND READINGS OF BILLS AND CONSIDERATION THEREOF BY THE COMMISSION AS IN COMMITTEE OF THE WHOLE.

The President introduced the following bills (by request of Commissioner Forbes, absent) :

C. B. No. 30. A Bill to grant to the Insular Coal Company, Incorporated, a franchise to construct, maintain, and operate a railway line from the shore line at the port of Danao to the coal district of Camansi, Province of Cebu.

The bill was read the first and second times, and was referred to the Committee of the Whole. It was considered in committee,

and reported to the Commission with the recommendation that it be referred to the Committee on Matters Pertaining to the Department of Commerce and Police, with instructions to amend the bill in the following particulars:

Section 1, lines 15, 16, 17, 18, and 19, strike out the words "thence a distant of some two kilometers, over the land formerly belonging to the Compostela Coal Company, and now owned by the said grantee, the total length of the proposed line being approximately twelve kilometers" and insert in lieu thereof the words "thence a distance of some two kilometers over lands formerly claimed by the Compostela Coal Company, the total length of the proposed line being approximately twelve kilometers."

Section 2, subsection (b), page 2, line 10, after the words "lands or" and before the word "rights," strike out the word "the."

Section 3, subsection (a), page 3, line 5, add after the words "Governor-General" the words "and upon such approval by the Governor-General the railway shall be constructed over the route so approved."

Section 3, subsection (b), page 3, line 9, after the words "Provided, however," insert the word "That."

Section 6, page 3, line 30, after the word "riot" and before the word "civil," strike out the word "or."

Section 7, page 4, line 4, after the word "declare" and before the word "stock," insert the word "any"; strike out the word "dividends" and insert in lieu thereof the word "dividend"; lines 9 and 10, strike out the words "in so far as the same are applicable to this franchise" and insert in lieu thereof the words "which are applicable to grantees of franchises or concessions, or to their successors or assigns."

Section 9, page 4, in lines 19 and 20, strike out the words "under the laws of the Philippine Islands or of any State of the United States of America," and insert in lieu thereof the words "under the laws of the Philippine Islands or to a corporation of any State of the United States doing business in the Philippine Islands in accordance with the laws of the Philippine Islands."

Section 10, page 4, strike out in its entirety and insert in lieu thereof the following:

"SEC. 10. This Act shall take effect on its passage: *Provided, however,* That the grant of the franchise shall not become operative or effective unless the grantee shall, within one month after the passage of this Act, file with the Secretary of Commerce and Police its acceptance of the franchise and its agreement to comply with all the terms of the Act."

The report and recommendation of the Committee of the Whole were adopted.

C. B. No. 31. A Bill providing for the filing with the division of archives, patents, copyrights, and trade-marks of the Executive Bureau of the contracts of mortgage, trust, or guaranty executed by the Manila Railroad Company, to secure with property owned by it the issuance of bonds and other obligations, creating and fixing upon the property covered

by said instruments a lien at and from the time of filing the same, and exempting said instruments from the payment of stamp taxes.

The bill was read the first and second times, and was referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the following amendments:

Section 1, page 1, lines 1, 2, and 3, strike out the words "The first and second mortgage and contract of guaranty for the issuance of obligations, executed by 'The Manila Railroad Company'" and insert in lieu thereof the words "The first and second mortgages for the issuance of bonds, executed by the Manila Railroad Company to the Central Trust Company of New York under date of January first, nineteen hundred and seven, and to the New York Trust Company of New York under date of April first, nineteen hundred and seven, respectively."

Section 8, strike out in its entirety.

Section 9, change section number to 8.

Strike out the title, and insert in lieu thereof the following: "An Act providing for the filing with the division of archives, patents, copyrights, and trade-marks of the Executive Bureau of the contracts of mortgage executed by the Manila Railroad Company as security for the issuance of bonds and other obligations, creating and fixing upon the property covered by said instruments a lien at and from the time of filing the same, and exempting said instruments from the payment of stamp taxes, and for other purposes."

The report and recommendation of the Committee of the Whole were adopted.

The bill was ordered rewritten as perfected in Committee of the Whole and placed on file for third reading.

EXECUTIVE SESSION.

On motion by Commissioner Tavera,

The Commission proceeded to the consideration of executive business.

After consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 291.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian,

The Commission adjourned to meet again on Thursday, January 30, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

THURSDAY, JANUARY 30, 1908.

The Commission met at the call of the President, at 9 o'clock and 30 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

READING OF JOURNAL.

The Journal of Wednesday, January 29, 1908, was read and approved.

THIRD READING OF BILL (OUT OF ORDER).

C. B. No. 31. An Act providing for the filing, with the division of archives, patents, copyrights, and trade-marks of the Executive Bureau, of the contracts of mortgage executed by the Manila Railroad Company as security for the issuance of bonds and other obligations, creating and fixing upon the property covered by said instruments a lien at and from the time of filing the same and exempting said instruments from the payment of stamp taxes, and for other purposes.

The bill was read the third time.

The question then being upon the passage of the bill, as amended, Commission Bill No. 31 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

MESSAGES FROM THE ASSEMBLY.

JANUARY 29, 1908.

MR. PRESIDENT: I have been directed to forward to the honorable Commission the attached bill (A. B. No. 120), entitled "An Act appropriating

the sum of ten thousand pesos from Insular funds, and five thousand pesos from the funds of the city of Manila, for the purpose of aiding the carnival which is to be held in the city of Manila in the year nineteen hundred and eight," which passed the Assembly on Saturday, January 25, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,
Secretary.

To the Honorable,
the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 120 was read the first and second times, and was then considered by the Commission in Committee of the Whole. It was reported to the Commission with the recommendation that it pass.

The President moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time by its title only.

The question then being upon its passage, Assembly Bill No. 120 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

Assembly Bill No. 120 was thereupon ordered enrolled and printed as an Act of the Legislature.

(For discussion in Committee of the Whole see pp. 414, 415.)

JANUARY 29, 1908.

MR. PRESIDENT: I have been directed to forward to the honorable Commission the attached bill (A. B. No. 117), entitled "An Act to extend the period within which provincial boards organized under the Provincial Government Act may remit the collection of the land tax in their respective provinces," which passed the Assembly on Saturday, January 25, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,
Secretary.

To the Honorable,
the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 117 was read the first and second times, and was then considered by the Commission in Committee of the Whole. It was reported to the Commission with the recommendation that it do not pass.

The report and recommendation of the Committee of the Whole were adopted.

(For discussion in Committee of the Whole see pp. 415-422.)

REPORT OF SELECT COMMITTEE.

[Committee Report No. 15.]

JANUARY 30, 1908.

MR. PRESIDENT: Your select committee of two, to whom was referred on Wednesday, January 15, 1908, Commission Bill No. 25, entitled "An Act to amend Act Numbered Eleven hundred and forty-seven, as amended, regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of stray or large cattle captured or seized by the Philippines Constabulary or other peace officers," with instructions to amend the same in certain particulars and to make such further report and recommendation thereon as they might deem proper, have the honor to report that they have had the same under consideration and having amended it in accordance with the instructions of the Commission found additional amendments advisable, and now recommend that it be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"SECTION 1. Section six of Act Numbered Eleven hundred and forty-seven is hereby amended by adding at the end thereof the following proviso:

"*'And provided further, That in lieu of the brand on the right and left hip as herein required, horses may, on the request of the owner, be either photographed, or branded within the right ear with the brand of the owner and within the left ear with the brand of the municipality. If photographed, the photograph shall not be smaller than eight centimeters by ten centimeters and not larger than thirteen centimeters by eighteen centimeters, to be made at the expense of the owner, and furnished in duplicate, one copy thereof to be firmly attached to the certificate of ownership and another to the stub of said certificate; the seal of the municipality to be so imposed as to impress itself both upon the photograph and upon the certificate of ownership and the stub of said certificate.'*

"SEC. 2. Section eight of Act Numbered Eleven hundred and forty-seven is hereby amended by adding at the end thereof the following:

"*'Upon issuing or canceling a certificate of registration or transfer of large cattle, the municipal treasurer shall immediately furnish to the senior inspector of Constabulary of the province a copy of the certificate in question. In the city of Manila, such copy shall be furnished to the Director of Constabulary by the Collector of Internal Revenue, ex officio city assessor and collector.'*

"SEC. 3. Section nine of Act Numbered Eleven hundred and forty-seven is hereby amended so as to read as follows:

"*'SEC. 9. Persons charged with the duty of branding, registering, or issuing certificates for large cattle shall make thorough investigation as to the real ownership of such cattle. In the case of an animal having a brand of an owner and of a municipality not in the province where the animal is found, evidence as to the brands, the owners, and the record of such marks shall be obtained from the division of archives, patents, copyrights, and trade-marks of the Executive Bureau at Manila. In case the animal has no brand of such municipality, but has the brand of a municipality within the province, then the record of such brand shall be obtained*

from the provincial treasurer, and if the animal has no brand of a municipality, then the sworn testimony of at least two reputable and well-known persons, living within the municipality wherein the animal is claimed to be owned, shall be required. No certificate of ownership, however, shall be issued by any official except upon the proper order of the justice of the peace of the municipality, to whom it shall be the duty of the alleged owner to present an application, orally or in writing, accompanied by the evidence above described. Upon receiving such application the justice of the peace shall make a special investigation as to the real ownership of the animal, and if he shall be satisfied as to said ownership, he shall direct the official charged with issuing certificates of ownership to issue such certificate in the usual manner and form. If the justice of the peace shall decide against the alleged owner, the animal shall be deemed to be an estray, and shall be disposed of as provided by law. While the special investigation is pending before the justice of the peace, the animal shall remain in the custody of the municipal treasurer, who shall not charge more than forty centavos per day for the care and maintenance thereof, and who shall be responsible for the proper care and feeding of said animal.

"The special investigation before the justice of the peace shall be deemed a purely civil proceeding, and no trial had or decision made therein shall be construed to affect or prevent the bringing of any criminal prosecution which might otherwise be brought. The justice of the peace may charge for each special investigation the fee prescribed by law."

"SEC. 4. Section twenty-five of Act Numbered Eleven hundred and forty-seven is hereby amended so as to read as follows:

"SEC. 25. (a) All estrays of large cattle, all large cattle recovered from thieves or taken by peace officers from persons unlawfully in possession of the same, and all seized or confiscated large cattle shall be delivered to the treasurer of the municipality where found, and it shall thereupon become the duty of such municipal treasurer properly to care for and maintain such animals and to post for at least fifteen consecutive days at the door of the municipal building in the municipality holding the animals, and to forward immediately to the provincial treasurer of his province, to provincial treasurers of all adjoining provinces, to all municipal treasurers within a radius of thirty kilometers, and to any other person or official that he deems advisable, written notices in Spanish and in the local dialects of the finding of such estrays or of the seizure or taking of the animals delivered to the municipal treasurer together with the class, sex, age, brands, knots of radiated hair commonly known as *remolinos* or *cowlicks*, and other marks of identification of the estrays or of the animal seized or taken from persons not entitled to the possession thereof, and notifying owners of such animals to present themselves within thirty days after date to the municipality and establish title thereto. In case owners of animals taken as estrays or seized as above set out present themselves within the time limited in the notice and prove title thereto, by producing the proper certificate of ownership, or a certified copy thereof, it shall be the duty of the municipal treasurer to cause delivery of such animals to the lawful owners upon payment of the necessary expenses of their maintenance and

transportation, giving receipts for moneys paid and taking receipts for the animals delivered. In cases where the person claiming the animal does not produce the certificate, or when two or more persons appear to claim the same stray or animal seized or taken from persons not entitled to possession thereof, the justice of the peace shall determine from the evidence produced who is the lawful owner, in the manner prescribed in section nine of this Act.

“(b) Should the owners of such animals fail to present themselves within the time fixed in the notice and prove title to the animals taken or seized as aforesaid, immediate notice of that fact shall be given by the municipal treasurer to the provincial board of the province, which shall order said animals to be sold at public auction, and shall give notice of the sale at least ten days before the date of the sale by posting notices thereof at the door of the provincial building and at the door of the municipal building where such animals are held. The notice of the sale shall contain a statement of the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the animals to be sold, the place where found or seized, and the date, hour, and place of sale. The place of sale shall be fixed, in the discretion of the provincial board, either at the provincial capital or in the municipality where such animals are held.

“(c) An animal ordered to be sold by the provincial board in accordance with the provisions of this section shall be sold for cash to the highest and best bidder therefor at public auction by verbal bidding, and the purchaser at such sale shall receive for the animal so purchased a certificate of transfer provided for in section fourteen hereof, and shall pay for the stamp provided for therein, in addition to the purchase price paid for the animal: *Provided*, That the proceedings shall be discontinued at any time before the sale and the animal turned over to its owner if such owner shall appear and prove his ownership, by the production of the proper certificate of ownership or a true copy thereof if the animal be one required to be registered by this Act, or by any other satisfactory evidence if the animal be not required to be registered by this Act, upon payment of all costs incurred by the municipality or the province for the care, maintenance, and transportation of the animal.

“(d) It shall be the duty of the municipal treasurer to promptly notify the provincial board of all proceedings taken by him in each case arising under this section.’

“SEC. 5. Section thirty of Act Numbered Eleven hundred and forty-seven is hereby amended as follows:

“SEC. 30. No large cattle shall be slaughtered or killed except upon permit secured from the municipal treasurer. Before issuing a permit for the slaughter of large cattle, the municipal treasurer shall exact, for cattle required to be registered by this Act, the production and surrender of the original certificate of ownership or certificate of transfer showing the title in the person applying for the permit, and for other cattle not required to be registered under this Act such other evidence as may satisfy said treasurer as to the ownership of the animal for which the permit for slaughter has been requested.’

"SEC. 6. Section thirty-three of Act Numbered Eleven hundred and forty-seven is hereby amended so as to read as follows:

"SEC. 33. (a) In case of the death of large cattle over two years of age from natural causes or otherwise, the owner thereof shall report such deaths immediately to the municipal treasurer of the municipality in which the death occurs and shall surrender to said treasurer the certificate of registration and certificate of transfer, if any. All certificates of registration and transfer which shall be surrendered to a municipal treasurer shall be immediately canceled by such treasurer.

"(b) Any owner of large cattle required to be registered by this Act who shall fail to report immediately the death of any one of his cattle and to surrender his certificate therefor, or any person who shall have in his possession a certificate of registration for an animal that has been dead more than thirty days, or who shall have in his possession any fake or counterfeit certificate or copy of a certificate not issued by the municipal treasurer, or who uses or attempts to use any such false or counterfeit certificate or copy, as aforesaid, shall be punished by a fine not to exceed five hundred pesos, in the discretion of the court.

"(c) Any person slaughtering or causing to be slaughtered any large cattle, except upon permit duly secured from the municipal treasurer, shall be punished by a fine of not less than ten nor more than five hundred pesos, or by imprisonment for not less than one month nor more than six months, or by both, in the discretion of the court."

"SEC. 7. Section thirty-seven of Act Numbered Eleven hundred and forty-seven is hereby amended so as to read as follows:

"SEC. 37. The duties required by this Act to be performed by municipal or provincial officials and by justices of the peace shall be performed in the city of Manila by the Collector of Internal Revenue, ex officio city assessor and collector, or by such person or persons as may be duly designated by him."

"SEC. 8. Unless otherwise provided in the Act, any official or other person failing, refusing, or neglecting to perform any of the duties enjoined upon him by this Act or by Act Numbered Eleven hundred and forty-seven, as amended, shall be punished by a fine of not less than ten nor more than five hundred pesos, or by imprisonment for not less than ten days nor more than six months, or by both, in the discretion of the court.

"SEC. 9. Any person stealing large cattle shall be punished by imprisonment for not less than one year nor more than five years, in the discretion of the court.

"SEC. 10. Section twenty-seven of Act Numbered Eleven hundred and forty-seven, as amended, and all Acts or parts of Acts, ordinances and orders inconsistent with the provisions of this Act are hereby repealed.

"SEC. 11. This Act shall take effect March first, nineteen hundred and eight."

Very respectfully,

JOSÉ R. DE LUZURIAGA,
W. MORGAN SHUSTER,

Committee.

The PRESIDENT OF THE PHILIPPINE COMMISSION.

The report and recommendation of the committee were adopted, Commissioner Shuster moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time in full.

By unanimous consent, the President moved the adoption of the following amendments:

Section 3, page 3, line 33, amend to read, "investigation no more than three pesos, the fee prescribed by law for civil actions."

Section 4, page 4, line 11, strike out the word "fifteen" and insert in lieu thereof the word "thirty"; strike out, lines 31 to 34, inclusive, and insert in lieu thereof the following: "title thereto, it shall be the duty of the municipal treasurer, upon the production of the proper certificate of ownership, or a certified copy thereof, to cause delivery of such animals to the lawful owners upon payment of"; page 5, line 2, strike out the words "giving receipts for moneys paid and taking" and insert in lieu thereof the words "and to give receipts for moneys paid and take"; line 21, strike out the word "where" and insert in lieu thereof the words "of the municipality in which," and strike out the word "the" at the end of the line; page 6, line 1, strike out the article "a" and insert in lieu thereof the article "the"; line 3, strike out the words "pay for the stamp provided for therein," and insert in lieu thereof the words "pay the fee provided therefor"; add, at the end of line 14, the following: "In case more than one claimant for such animal shall present himself before such sale, the justice of the peace of the municipality shall determine, in the manner prescribed in section nine of this Act, who is the lawful owner."

Section 6, page 7, line 19, strike out the word "fake" and insert in lieu thereof the word "false"; line 30, after the word "both," insert the words "such fine and imprisonment"; add the following subsections:

"(d) Any official or other person failing, refusing, or neglecting to perform any of the duties enjoined upon him by this Act shall be punished by a fine of not less than ten pesos nor more than five hundred pesos or by imprisonment for not more than two years, or by both such fine and imprisonment, in the discretion of the court.

"(e) Any person stealing large cattle shall be punished by imprisonment for not less than one year nor more than five years, in the discretion of the court."

Section 7, page 8, in lines 1 to 6, inclusive, strike out the words "Sec. 37. The duties required by this Act to be performed by municipal or provincial officials and by justices of the peace shall be performed in the city of Manila by the Collector of Internal Revenue, ex officio city assessor and collector, or by such person or persons as may be duly designated by him", and insert in lieu thereof the following: "Sec. 37. The duties required by this Act to be performed by municipal or provincial officials and by justices of the peace shall be performed in the city of Manila by the Collector of Internal Revenue, ex officio city assessor and collector, or by such person or persons

as may be duly designated by him: *Provided*, That the penal provisions of this Act with regard to the registration of large cattle shall not go into effect in the city of Manila until October first, nineteen hundred and eight: *And provided further*, That the Collector of Internal Revenue, ex officio city assessor and collector, shall be authorized to register large cattle in the city of Manila in accordance with the provisions of this Act on and after February fifteenth, nineteen hundred and eight."

Section 8, page 8, strike out in its entirety.

Section 9, page 8, strike out in its entirety.

Section 10, page 8, change section number to 8.

Section 11, page 8, strike out in its entirety, and insert in lieu thereof the following:

"SEC. 9. This Act shall take effect on July first, nineteen hundred and eight, save and except that part of section seven which provides that the Collector of Internal Revenue, ex officio city assessor and collector, shall be authorized to register large cattle in the city of Manila on and after February fifteenth, nineteen hundred and eight, as to which part this Act shall take effect on February fifteenth, nineteen hundred and eight."

The motion prevailed.

The question then being upon the passage of the bill as amended, Commission Bill No. 25, as amended, was unanimously passed.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

READING OF COMMUNICATION.

The President presented a communication signed by Augustin Pronoble, justice of the peace, Janiway, Iloilo, dated January 15, 1908, requesting the amendment of section 5 of Act No. 1627, so as to make the fees of justices of the peace equal to the salaries of municipal presidents, and stating that the same request had been sent by him to the Philippine Assembly, through the Delegates from the Province of Iloilo, and that he was assured by Delegate Hernandez that the question would be submitted to that body.

Ordered filed.

EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 291, 292.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Friday, January 31, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

FRIDAY, JANUARY 31, 1908.

The Commission met at the call of the President at 11 o'clock and 30 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

ANNOUNCEMENT OF THE DEATH OF ARTHUR W. FERGUSSON, EXECUTIVE SECRETARY, AND RESOLUTIONS OF SYMPATHY.

The President of the Commission made the following announcement:

Mine is the sorrowful duty of announcing to the Commission the sad and sudden death of Arthur W. Fergusson, Executive Secretary of the Philippine Islands.

From the time of his graduation from Georgetown University as master of laws in 1886 until he left his office in this building at 5 o'clock last evening, the life of Arthur W. Fergusson has been one of activity and usefulness to his country and to his fellow-men. He practiced law in Washington, D. C., from 1886 to 1891, and while following his profession acted as the official interpreter of the International American Conference of 1889 and of the International Railway Commission of 1891. He was secretary of the International Monetary Commission and continued in that office until he was called upon to serve the United States-Chilean Claims Commission and the United States-Venezuelan Claims Commission in a similar capacity. At the time of the breaking out of the Spanish-American war Mr. Fergusson had rendered such notable service as translator for the Bureau of American Republics, which was established as a result of the Pan-American Congress, that he was selected for the most important post of official interpreter to the American members of the Spanish-American Peace Commission, which negotiated the treaty of Paris

in the year 1898. While acting in this capacity, his tact, lovable personal qualities, and splendid command of both English and Spanish won the high regard of the Spanish plenipotentiaries, and on the motion and at the suggestion of Señor Montero Rios, their president, he was made the official interpreter of the Peace Commission. To his ability, his justice, and his impartiality no higher tribute could be paid than this. As a natural sequence of all these services Mr. Fergusson became the Spanish Secretary of the United States Philippine Commission in April, 1900, and subsequently the Executive Secretary of the Philippine Islands. In this of all the posts held by him he rendered the most valuable services to his country. Ever tactful, ever kind, ever generous, ever just, he of all men was probably the best fitted to carry to the hearts of the people of the Philippines the friendly sentiments of the Philippine Commission and to impress the people of the Islands with confidence in the benevolent intentions of the American Government. The value of the fifty-two days of service rendered by him during the journey of the Philippine Commission through the various provinces for the purpose of establishing civil government can not be adequately measured at this date. Suffice it to say that his interpretations were clothed with the true feelings of the Commission and bred a trust in the United States and its beneficent policy which smoothed away a thousand difficulties and made possible that harmony and good understanding without which the solution of a very difficult problem would have been impossible.

The following resolutions were thereupon adopted:

C. R. No. 32. *Resolved*, That the Commission receives with profound sorrow the notice of the demise of Arthur W. Fergusson, the Executive Secretary of the Philippine Islands, and that it extends to his grief-stricken wife and son, to his aged father, and to his brothers and sisters its heartfelt sympathy in this the hour of their bereavement; and

Resolved further, That these resolutions and the official announcement to this body of the death of the Executive Secretary be spread upon the Journal of the Commission and that a copy of such resolutions and announcement be suitably engrossed and transmitted to the relatives of the deceased; and

Resolved further, That the Philippine Commission attend the funeral services in a body and that it do now adjourn out of respect for the memory of a faithful public servant and a loyal and generous friend.

ADJOURNMENT.

The Commission thereupon stood adjourned, the hour being 12 o'clock meridian.

Attest:

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

JOURNAL OF THE COMMISSION.

SATURDAY, FEBRUARY 1, 1908.

The Commission met at the call of the President at 9 o'clock and 30 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

READING OF JOURNALS.

The Journals of Thursday, January 30, and Friday, January 31, 1908, were read and approved.

URGENT BUSINESS.

On motion, it was

C. R. No. 33. *Resolved*, That Commissioners Shuster and Luzuriaga be, and are hereby, appointed a special committee for the purpose of securing a suitable floral design for the bier of the late Arthur W. Fergusson, Executive Secretary.

MESSAGES FROM THE ASSEMBLY.

FEBRUARY 1, 1908.

MR. PRESIDENT: For the information of your honorable body, I have the honor to inform you that the attached resolution (A. R. No. 29) was adopted by the Philippine Assembly at its session of Friday, January 31, 1908.

Very respectfully,

GREGORIO NIEVA,
Secretary.

The Honorable,
the PRESIDENT OF THE PHILIPPINE COMMISSION.

A. R. No. 29. Whereas the sad news has been received of the unexpected death of the Executive Secretary of the Philippine Islands, Honorable Arthur W. Fergusson; and

Whereas the Assembly recognizes the most valuable services rendered during his lifetime by the said Mr. Fergusson, in the implantation of civil government in the Philippine Islands as well as in the maintenance of that good harmony which should exist between the representatives of the United States in the government of these Islands, and the Filipino people; and

Whereas the Government of the Philippine Islands and the Filipino people lose by the death of Arthur W. Fergusson one of their most loyal, active, and efficient servants, so necessary to the Government at the present epoch: Now, therefore, be it

Resolved by the Philippine Assembly, That it publicly manifest its sorrow over this irreparable loss, extending this manifestation of sympathy to the afflicted wife of Arthur W. Fergusson, to his son, and to his aged father, and to his sisters and brothers; and

Resolved further, That these resolutions be spread on the Journal of the Assembly and that an engrossed copy thereof be sent to the Chief Executive of the Islands and to the family of the deceased; and

Resolved further, That the members of the Philippine Assembly attend the funeral of the deceased, and that this session be adjourned in honor of the memory of so distinguished a public officer who was at the same time a faithful and generous friend of the Filipino people.

Ordered, That the above Assembly Resolution No. 29 be spread upon the Journal of the Commission.

JANUARY 30, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following resolution (A. C. R. No. 2), entitled "Concurrent Resolution determining the title of the present Legislature, the numbering of its Acts, the number of copies thereof which shall be printed, both of the special edition for preservation in the legislative archives and of the regular edition for distribution among the officers of the Insular, provincial, and municipal governments and the general public, and for other purposes," passed the Assembly on January 22, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,
Secretary.

The Honorable,
the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, the resolution was read once and put upon its passage.

Assembly Concurrent Resolution No. 2 was unanimously adopted, and the preamble and title were agreed to. The Secretary was directed to notify the Assembly thereof.

RESOLUTIONS.

The following resolution was introduced by Commissioner Shuster:

C. R. No. 34. *Resolved*, That at a second or any subsequent session of a Philippine Legislature the legislative business which has originated in the Philippine Commission and which remained undetermined at the close of the next preceding session of that Legislature shall be resumed and proceeded with in the same manner as if no adjournment of the Philippine Commission had taken place; and all papers referred to committees of the Philippine Commission and not reported upon at the close of a session of a Philippine Legislature shall be returned to the office of the Secretary of the Philippine Commission and be retained by him until the next succeeding session of that Philippine Legislature, when they shall be returned to the several committees to which they had previously been referred.

The resolution was adopted.

The following resolution was also introduced by Commissioner Shuster:

C. R. No. 35. *Resolved*, That the Secretary be, and is hereby, instructed to inform each member of the Philippine Commission at the close of the present session of the Philippine Legislature, or as soon thereafter as practicable, of such bills and resolutions introduced by him which have not passed the Philippine Assembly and become law, and hence require their introduction in the Commission de novo.

The resolution was unanimously adopted.

INTRODUCTION AND PASSAGE OF BILL.

The following bill was introduced by the President:

C. B. No. 32. A Bill prohibiting the holding of horse races in the city of Manila on February second, nineteen hundred and eight, designating another date therefor, and for other purposes.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole.

It was considered in committee, and reported to the Commission with the recommendation that it pass.

Commissioner Shuster moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time by its title only.

The question then being upon its passage, Commission Bill No. 32 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

RECESS.

At 1 o'clock postmeridian,

On motion by Commissioner Shuster,

The President declared the Commission at recess until 4 o'clock postmeridian.

RECONVENED.

At 4 o'clock postmeridian the Commission reconvened. The President in the chair.

MESSAGES FROM THE ASSEMBLY.

FEBRUARY 1, 1908.

SIR: I have been directed to return to your honorable body Commission Bill No. 24, entitled "An Act to amend Act Numbered Three hundred and fifty-five, entitled 'An Act to constitute the customs service of the Philippine Archipelago and to provide for the administration thereof,' as amended, by providing that merchandise in bond may be withdrawn for delivery on board vessels of the United States and foreign vessels," which passed the Assembly January 30, 1908, without amendment.

Very respectfully,

GREGORIO NIEVA,
Secretary.

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered, That Commission Bill No. 24 be enrolled and printed as an Act of the Legislature.

FEBRUARY 1, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following bill (C. B. No. 32), entitled "An Act prohibiting the holding of horse races in the city of Manila on February second, nineteen hundred and eight, designating another date therefor, and for other purposes," passed the Assembly, without amendment, on February 1, 1908.

Very respectfully,

GREGORIO NIEVA,
Secretary.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered, That Commission Bill No. 32 be enrolled and printed as an Act of the Legislature.

FEBRUARY 1, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following bill (A. B. No. 115), entitled "An Act abolishing the special tax of one per centum on the assessed value of undeclared property," passed the Assembly on January 30, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,
Secretary.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 115 was read the first and second times, and was referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the following amendment:

Strike out section 1 and insert in lieu thereof the following:

"SECTION 1. The special tax of one per centum on the assessed value of undeclared property, established by subsection (c) of section three of Act Numbered Fourteen hundred and fifty-five, as amended, is hereby abolished."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Shuster thereupon moved the immediate third reading of the bill. The motion was seconded by the President, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, in full, as amended.

The question then being upon its passage, Assembly Bill No. 115 was unanimously passed, as amended, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendment.

EXPLANATIONS OF VOTES.

The President, in casting his vote on Assembly Bill No. 115, as amended, stated that he desired to call attention to the fact that the bill, eliminating as it does the penalty imposed upon the taxpayer for failure to file a declaration, leaves him free to refuse to file it without fear of penalty, and that the result of this may be to deprive the Legislature of all information as to the rental value or income of the property, and it will therefore be in no position to substitute

intelligently a tax on the income from land instead of on land itself; that the object of inserting a provision requiring a declaration as to the income from real estate was to furnish the Legislature with such information that later it might substitute an income tax if it thought that course advisable and wise, but that as the Assembly had passed the bill eliminating the penalty for the failure to file a declaration he was disposed to concur in it, for the reason that the passage of the bill by the Assembly seemed to indicate that the Assembly did not propose to take up in the near future the consideration of a tax on income on real property.

Commissioner Luzuriaga added that if new proprietors were required to declare their lands and declined to do so, he could not see how they could be compelled to file a declaration, if not subject to a penalty, unless the provincial boards have the right to fix the valuation of lands of unknown owners.

Commissioner Shuster, in casting his vote for the bill, stated that he concurred in the remarks of the President of the Commission on the subject. As to the amendment made in section 1, he stated that in the draft of the bill as passed by the Assembly two of the specific amendments made to subsection (c) of section 3 of Act No. 1455 were mentioned, while no reference whatever was made to the entire substitution of that subsection by section 1 of Act No. 1472. Therefore, in considering the bill in Committee of the Whole, he had moved the amendment of the section, believing it necessary either to mention specifically all of the subsequent Acts which amended subsection (c) of section 3 of Act No. 1455, which would include Act No. 1472, or merely to refer to subsection (c) of section 3 of Act No. 1455, as amended, the words "as amended" including all subsequent amendments.

FEBRUARY 1, 1908.

MR. PRESIDENT: I have been directed to forward to the honorable Commission the attached bill (A. B. No. 121), entitled "An Act appropriating the sum of one hundred thousand pesos from Insular funds for the relief of sufferers from public calamities," which passed the Assembly, January 30, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,

Secretary.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 121 was read the first and second times, and was referred to the Committee of the Whole. It was considered in committee, and reported to the Commission

with the recommendation that it pass with the following amendments:

Strike out section 1 and insert in lieu thereof the following:

"SECTION 1. The sum of one hundred thousand pesos, Philippine currency, is hereby appropriated from any funds in the Insular Treasury not otherwise appropriated, to be expended in the manner hereinafter provided and to be available until expended."

Strike out section 2 and insert in lieu thereof the following:

"SEC. 2. A joint committee is hereby created, composed of not to exceed seven members of the Philippine Commission, to be appointed by the President thereof, and seven members of the Philippine Assembly, to be appointed by the Speaker thereof, which committee shall have power and authority to consider all petitions for the relief of sufferers from general conflagrations, typhoons, floods, earthquakes, famine, pestilence, epidemics, and other disasters which amount to public calamities. Said joint committee shall, out of the appropriation provided for in section one of this Act, make the award and determine the sum which it may deem necessary for the temporary relief of sufferers from said disasters, and may expend such sum for such relief or may authorize the sum so fixed and awarded to be expended by the provincial board or boards of the provinces in which such disasters have occurred."

Strike out section 3 and insert in lieu thereof the following:

"SEC. 3. All petitions for relief received by the Governor-General or by the Speaker of the Assembly, and all other petitions received for the relief of sufferers from public calamities, shall be immediately transmitted to the joint committee for which provision is made in section two of this Act."

The report and recommendation of the Committee of the Whole were adopted.

The President thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, in full, as amended.

The question then being upon its passage, Assembly Bill No. 121 was unanimously passed, as amended, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

EXPLANATION OF AMENDMENTS.

The President stated that he desired to make the following explanation in regard to the amendments: The reasons for the amendments are, first, that under the provisions of the bill as passed by the

Assembly the appropriation would lapse on the 1st of July, 1908, and as the Legislature would not be in regular session until February, 1909, no relief could be granted to sufferers between July 1, 1908, and that date, unless a special session were called, which would be an extremely expensive measure and justifiable only by a great emergency; second, the Auditor requires that the purposes for which an appropriation is made must be definitely stated, and consequently the Auditor might under the bill as passed by the Assembly refuse to audit any award which might be made by the joint committee for which provision is made by section two; third, the Commission is composed of only six members at the present time, and it would be impossible to appoint a committee of seven in the Upper House; fourth, it might, by reason of special circumstances in any particular case, be wise and proper that the joint committee should itself make the expenditure. Section 2 as amended will permit the committee to expend the money itself or to authorize provincial boards to do so; fifth, the power given to the committee to authorize provincial boards to make expenditures will obviate the necessity of section 3 in the bill as passed by the Assembly.

FEBRUARY 1, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following resolution (A. J. R. No. 16) entitled "Joint Resolution providing for the appointment of a committee for making recommendations regarding the enactment of a law on labor accidents," passed the Assembly on January 30, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

Honorable PRESIDENT, PHILIPPINE COMMISSION.

By unanimous consent, the resolution was read once and put upon its passage. Assembly Joint Resolution No. 16 was unanimously adopted, and the title was agreed to.

The Secretary was directed to notify the Assembly thereof.

Resolved, That the President be, and is hereby, requested to call into conference the Speaker of the Philippine Assembly as to the members to be appointed on the committee provided for by Assembly Joint Resolution number sixteen, and as to the representation therein of both Houses and of private citizens.

Ordered, That the Secretary transmit a copy of this resolution to the Speaker of the Philippine Assembly.

FEBRUARY 1, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following resolution (C. J. R. No. 1), entitled "Joint resolution declining to join in the application made to Congress by the legislature of the State of Wisconsin to call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people," passed the Assembly, without amendment, on February 1, 1908.

Very respectfully,

GREGORIO NIEVA,
Secretary.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered, That Commission Joint Resolution No. 1 be enrolled and printed as a resolution of the Legislature.

FEBRUARY 1, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following resolution (A. C. R. No. 3), entitled "Concurrent resolution providing for the closing of the inaugural session of the Philippine Legislature," passed the Assembly on February 1, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,
Secretary.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The resolution is as follows:

A. C. R. No. 3. Concurrent resolution providing for the closing of the inaugural session of the Philippine Legislature.

Resolved by the Philippine Assembly, the Philippine Commission concurring, That as, in accordance with the provisions of the Act of Congress of July first, nineteen hundred and two, the number of ninety days of sessions, beginning October sixteenth, nineteen hundred and seven, Sundays and legal holidays excepted, will be completed on this date, the inaugural session of the First Philippine Legislature shall be closed by the adjournment sine die of the Philippine Commission and the Philippine Assembly by the President of the Commission and the Speaker of the Assembly, respectively, at seven o'clock and eight minutes postmeridian this the first day of February, nineteen hundred and eight;

Resolved further, That this resolution be cabled to the President of the United States, through the honorable the Governor-General.

By unanimous consent, the resolution was read once and put upon its passage. Assembly Concurrent Resolution No. 3 was unanimously adopted, and the title was agreed to.

The Secretary was directed to notify the Assembly thereof.

STATEMENT OF THE GOVERNOR-GENERAL.

The President stated that as Governor-General he had no further messages or communications to transmit to either branch of the Legislature during the present session.

READING OF JOURNAL.

The Journal of Saturday, February 1, 1908, was read and approved.

ADJOURNMENT SINE DIE.

In accordance with Assembly Concurrent Resolution No. 3, the hour of 7 o'clock and 8 minutes postmeridian having arrived, the President declared the Commission adjourned sine die.

Attest:

WM. H. DONOVAN, *Secretary.*

Approved:

JAMES F. SMITH,

President, Philippine Commission.

APPOINTMENTS CONFIRMED

BY THE

PHILIPPINE COMMISSION

IN

EXECUTIVE SESSION

DURING THE

INAUGURAL SESSION OF
THE FIRST PHILIPPINE LEGISLATURE



First Philippine Legislature.

Inaugural Session.

CONFIRMATION OF APPOINTMENTS IN EXECUTIVE SESSION.

FRIDAY, NOVEMBER 15, 1907.

Harry S. Hodgson to be provincial treasurer of the Province of Sorsogon, vice Carrol L. Nash, resigned; pursuant to provisions of Acts Nos. 124 and 1581; appointment to be effective upon assuming charge of the office.

John Q. A. Braden to be provincial treasurer of the Province of Albay, vice Nathan B. Stewart, resigned; pursuant to the provisions of Acts Nos. 122 and 1581; appointment to be effective upon assuming charge of the office.

Pedro Valdes to be provincial fiscal for the Province of Ilocos Norte, at a salary of ₱3,000 per annum, as fixed in Executive Order No. 43, series of 1907; appointment to be effective upon qualification; pursuant to the provisions of Acts Nos. 83 and 1701.

Epifanio de los Santos to be provincial fiscal for the Province of Bulacan, at a salary of ₱4,000 per annum, as fixed in Executive Order No. 43, series of 1907; appointment to be effective as of October 1, 1907; pursuant to the provisions of Acts Nos. 83 and 1701.

Juan de Leon to be provincial fiscal for the Province of Iloilo, at a salary of ₱5,000 per annum, as fixed in Executive Order No. 43, series of 1907; appointment to be effective on November 1, 1907; pursuant to the provisions of Acts Nos. 83 and 1701.

Higinio Benitez to be provincial fiscal for the Province of Rizal, at a salary of ₱4,000 per annum, as fixed in Executive Order No. 43, series of 1907; appointment to be effective upon qualification; pursuant to the provisions of Acts Nos. 83 and 1701.

L. F. Goodale to be member of the Board of Rate Regulation; pursuant to the provisions of section 1 of Act No. 1779.

Warwick Greene to be secretary of the Board of Rate Regulation, at a salary of ₱2,400 per annum; pursuant to the provisions of section 1 of Act No. 1779.

Ismael de Ocampo to be justice of the peace for the municipality of Tayabas, Province of Tayabas, Seventh Judicial District, vice Primitivo S. Angustin, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Irineo Cabanero to be auxiliary justice of the peace for the municipality of Tayabas, Province of Tayabas, Seventh Judicial District, vice Vicente Ragudo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Julio Arevalo to be justice of the peace for the municipality of San Fernando, Province of Sorsogon, Fifteenth Judicial District, vice Bonifacio Dominguez, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Lucas Zurbito to be auxiliary justice of the peace for the municipality of Masbate, Province of Sorsogon, Fifteenth Judicial District, vice Antonio Rosero, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Jose Serra to be justice of the peace for the municipality of Boston, district of Davao, Moro Province, Fourteenth Judicial District; pursuant to the provisions of section 27 of Act No. 787, as amended by Acts Nos. 1164, 1283, 1450, and 1627.

Francisco Altizo to be auxiliary justice of the peace for the municipality of Boston, district of Davao, Moro Province, Fourteenth Judicial District; pursuant to the provisions of section 27 of Act No. 787, as amended by Acts Nos. 1164, 1283, 1450, and 1627.

Pablo Laudit to be auxiliary justice of the peace for the municipality of Castilla, Province of Sorsogon, Fifteenth Judicial District, vice Ciriaco Labitana, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tomas Canonizado to be justice of the peace for the municipality of Rosales, Province of Pangasinan, Third Judicial District, vice Pascual Canonizado, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Proceso Reyes to be auxiliary justice of the peace for the municipality of Bautista, Province of Pangasinan, Third Judicial District, vice Benito Decena, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Alejo Riganon to be auxiliary justice of the peace for the municipality of Batac, Province of Ilocos Norte, Second Judicial District, vice Sabas S. Ventura, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Nicolas Valenton to be justice of the peace for the municipality of San Jose, Province of Nueva Ecija, Fourth Judicial District, vice Cirilo Gomez, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Esteban Nicolas to be justice of the peace for the municipality of Juban, Province of Sorsogon, Fifteenth Judicial District, vice Lino Alindogan, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Timoteo Gratuito to be auxiliary justice of the peace for the municipality of Juban, Province of Sorsogon, Fifteenth Judicial District, vice Esteban Nicolas, nominated justice of the peace; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Roman Barbudo and Anastacio Ballesteros to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Bacon, Province of Sorsogon, Fifteenth Judicial District, vice Cirilo Jimenez, resigned, and Roman Barbudo, nominated justice of the peace, respectively; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Cipriano Rocha to be auxiliary justice of the peace for the municipality of Gubat, Province of Sorsogon, Fifteenth Judicial District, vice Getulio Escurel, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Andres Celeste to be auxiliary justice of the peace for the municipality of Bolinao, Province of Pangasinan, Third Judicial District, vice Bartolome del Fierro, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Canuto Rosales to be justice of the peace for the municipality of Butuan, Province of Agusan, Thirteenth Judicial District, vice Simon B. Trillo, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Prudencio Mercado to be auxiliary justice of the peace for the municipality of Maasin, Province of Leyte, Twelfth Judicial District, vice Eudaldo A. Enage, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Escolastico Buenaventura to be auxiliary justice of the peace for the municipality of Imus, Province of Cavite, Sixth Judicial District, vice Segundo Francisco, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Victor Gaa to be justice of the peace for the municipality of Initao, Province of Misamis, Thirteenth Judicial District, vice Alejandro Racines, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Geronimo Hugo to be auxiliary justice of the peace for the municipality of Casiguran, Province of Sorsogon, Fifteenth Judicial District, vice Pedro Villaseñor, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Mateus to be justice of the peace for the municipality of Dinalupihan, Province of Bataan, Sixth Judicial District, vice Victor Macalincag, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Jose Fajardo to be auxiliary justice of the peace for the municipality of Pilar, Province of Sorsogon, Fifteenth Judicial District, vice Cornelio Ludovico, deceased; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Enrique Hernandez to be auxiliary justice of the peace for the municipality of Bacnotan, Province of La Union, Mountain Judicial District, vice

Pio Perlas, appointed justice of the peace; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Procopio Dacoco to be auxiliary justice of the peace for the municipality of Initao, Province of Misamis, Thirteenth Judicial District, vice Martin Uabe, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gregorio Garay to be justice of the peace for the municipality of Matnog, Province of Sorsogon, Fifteenth Judicial District, vice Juan Frando, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Florencio Garra to be auxiliary justice of the peace for the municipality of Matnog, Province of Sorsogon, Fifteenth Judicial District, vice Angeles Garcia, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gil Garcia Velasco to be auxiliary justice of the peace for the municipality of Naic, Province of Cavite, Sixth Judicial District, vice Braulio Alejo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Simeon Coronel to be auxiliary justice of the peace for the municipality of Indang, Province of Cavite, Sixth Judicial District, vice Numeriano Salazar, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tomas Villamor to be justice of the peace for the municipality of Placer, Province of Surigao, Thirteenth Judicial District, vice Perfecto Señeris, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Feliciano Zarate to be justice of the peace for the municipality of Tubao, Province of La Union, Mountain Judicial District, vice Eduardo Gonzales, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, appointment to be effective on November 16, 1907.

Esteban Peñaranda to be auxiliary justice of the peace for the municipality of San Isidro, Province of Leyte, Twelfth Judicial District, vice Ruperto Oddo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ciriaco de Lara to be auxiliary justice of the peace for the municipality of Leyte, Province of Leyte, Twelfth Judicial District, vice Godofredo Lago, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Primo Yanson and Pedro Salazar to be justices of the peace for the municipalities of Bato and Libog, respectively, Province of Albay, Eighth Judicial District, vice Florentino Leonardo and Rufino Martinez, respectively, both resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Eulogio Villa Urbina to be auxiliary justice of the peace for the municipality of Pantabangan, Province of Nueva Ecija, Fourth Judicial District, vice Francisco Villajuan, i.e., appointed justice of the peace; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Hilario Samson to be auxiliary justice of the peace for the municipality of Hinunanga, Province of Leyte, Twelfth Judicial District, vice Ynocentes Villafior, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Simeon Cafete to be auxiliary justice of the peace for the municipality of Dagami, Province of Leyte, Twelfth Judicial District, vice Simeon Bardillon, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Benito Natividad to be auxiliary justice of the peace for the municipality of Nueva Caceres, Province of Ambos Camarines, Eighth Judicial District, vice Engracio B. Imperial, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Bonifacio Manoc to be justice of the peace for the municipality of Allen, Province of Samar, Twelfth Judicial District, vice Melecio Almazan, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Feliciano Tilog to be auxiliary justice of the peace for the municipality of Borongan, Province of Samar, Twelfth Judicial District, vice Mateo Quemada, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Hilarion M. Carpio to be auxiliary justice of the peace for the municipality of Los Baños, Province of La Laguna, Sixth Judicial District, vice Mariano Marfori, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Anastasio Abejo to be auxiliary justice of the peace for the municipality of Tagoloan, Province of Misamis, Thirteenth Judicial District, vice Gaudioso S. Valdehueva, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Hilarion J. Leopoldo to be justice of the peace for the municipality of Langaran, Province of Misamis, Thirteenth Judicial District, vice Esteban Marifosque, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Luis Banzon to be auxiliary justice of the peace for the municipality of Balanga, Province of Bataan, Sixth Judicial District, vice Isabelo de Silva, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Sergio Konsing to be justice of the peace for the municipality of Buenavista, Province of Iloilo, Ninth Judicial District, vice Cristeto Gonoro, deceased; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Estanislao Lucero to be auxiliary justice of the peace for the municipality of Guiuan, Province of Samar, Twelfth Judicial District, vice Sixto Acosta, relieved; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Felipe Marasigan to be justice of the peace for the municipality of Paracale, Province of Ambos Camarines, Eighth Judicial District, vice Francisco Eco, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Lupo Azurin to be justice of the peace for the municipality of Vigan, Province of Ilocos Sur, Second Judicial District, vice Elias P. Abaya, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Valente Lalin to be auxiliary justice of the peace for the municipality of La Paz, Province of Ilocos Sur, Second Judicial District, vice Valeriano Lalin, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Antonio Morales to be justice of the peace for the municipality of Catarman, Province of Samar, Twelfth Judicial District, vice Hilarion Daza, who declined the appointment; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

N. H. Heibert to be justice of the peace for the municipality of Jaro, Province of Leyte, Twelfth Judicial District, vice Lino Añover, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Duran to be justice of the peace for the municipality of Balangiga, Province of Samar, Twelfth Judicial District, vice Pedro Abanador, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Eleuterio Pil to be justice of the peace for the municipality of Matalom, Province of Leyte, Twelfth Judicial District, vice Francisco Alonso, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Segundo Kuizon to be justice of the peace for the municipality of Bató, Province of Leyte, Twelfth Judicial District, vice Joaquin Flordelis, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Felino Aranas to be auxiliary justice of the peace for the municipality of Mambajao, Province of Misamis, Thirteenth Judicial District, vice Felix Aranas, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Miguel Romualdez to be justice of the peace for the municipality of Tolosa, Province of Leyte, Twelfth Judicial District, vice Antonio T. Lopez, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Eduardo Gonzales to be justice of the peace for the municipality of Agoo, Province of La Union, Mountain Judicial District, vice Francisco Cases, whose appointment is hereby canceled; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, appointment to be effective on November 16, 1907.

Bernardo Vallejo to be auxiliary justice of the peace for the municipality of Buhí, Province of Ambos Camarines, Eighth Judicial District, vice Genaro Azcarraga, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Matias Jaucian to be auxiliary justice of the peace for the municipality of Albay, Province of Albay, Eighth Judicial District, vice Fermin Aquende, resigned; pursuant to the provisions of section 76 of Act No. 136 as amended by Acts Nos. 1450 and 1627.

Benigno Dominguez to be auxiliary justice of the peace for the municipality of Bato, Province of Albay, Eighth Judicial District, vice Eusebio Tejada, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Teofilo Bunao to be auxiliary justice of the peace for the municipality of Malilipot, Province of Albay, Eighth Judicial District, vice Ciriaco Loyola, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gregorio Dado to be auxiliary justice of the peace for the municipality of Manito, Province of Albay, Eighth Judicial District, vice Felipe Datu, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Aquilino Alberto to be auxiliary justice of the peace for the municipality of Pandan, Province of Albay, Eighth Judicial District, vice Juan Cabrera, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tomas Zamora to be auxiliary justice of the peace for the municipality of Polangui, Province of Albay, Eighth Judicial District, vice Rufino Tuanqui, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Emilio del Rosario to be auxiliary justice of the peace for the municipality of Tabaco, Province of Albay, Eighth Judicial District, vice Ignacio Lianko, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

FRIDAY, NOVEMBER 22, 1907.

Leonard G. Dawson to be provincial treasurer of the Province of Samar, appointment to be effective upon assuming charge of the office, vice Harry S. Hodgson, nominated provincial treasurer of Sorsogon; pursuant to the provisions of Acts Nos. 419 and 1581.

Lieutenant Randal Kernan, Philippine Scouts, to be justice of the peace for the municipality of Malabang, Moro Province, Fourteenth Judicial District, vice Lieutenant Karl D. Klemm, relieved; pursuant to the provisions of section 27 of Act No. 787, as amended by Acts Nos. 1164, 1283, 1450, and 1627.

Vicente Consing to be justice of the peace for the municipality of Donsol, Province of Sorsogon, Fifteenth Judicial District; vice Fidel Averilla, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tomas E. Balagtas to be auxiliary justice of the peace for the municipality of San Isidro, Province of Pangasinan, Third Judicial District, vice Jacinto Braga, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ricardo Fernandez to be auxiliary justice of the peace for the municipality of Binmaley, Province of Pangasinan, Third Judicial District, vice Juan Castro Suri, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Justo Romero to be auxiliary justice of the peace for the municipality of Porac, Province of Pampanga, Fourth Judicial District, vice Jose Juyco, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Agapito Martinez to be auxiliary justice of the peace for the municipality of Boac, Province of Tayabas, Seventh Judicial District, vice Narciso Aliño, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Balmonite to be auxiliary justice of the peace for the municipality of San Juan de Guimba, Province of Nueva Ecija, Fourth Judicial District, vice Andres de Ocampo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Januario Buitizon to be auxiliary justice of the peace for the municipality of Magallanes, Province of Sorsogon, Fifteenth Judicial District, vice Apolinar Judit, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Francisco Paredes to be auxiliary justice of the peace for the municipality of Bacarra, Province of Ilocos Norte, Second Judicial District, vice Andres Lazo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Manuel Gimeno to be auxiliary justice of the peace for the municipality of Guimbal, Province of Iloilo, Ninth Judicial District, vice Norberto Girado, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Benito Velo to be auxiliary justice of the peace for the municipality of Rosales, Province of Pangasinan, Third Judicial District, vice Luis Minglana, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Feliciano Custodio to be auxiliary justice of the peace for the municipality of Subic, Province of Zambales, Third Judicial District, vice Fabian Arcega, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Antonio Ramos y Francisco to be justice of the peace for the municipality of Calumpit, Province of Bulacan, Fifth Judicial District, appointment to be effective upon his resignation as municipal councilor of Calumpit (such resignation to be submitted within ten days from Monday, November 25, 1907), vice Silvino Lopez Jesus, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

TUESDAY, DECEMBER 3, 1907.

James R. Fugate to be lieutenant-governor of the subprovince of Siquijor, Province of Oriental Negros, at a salary of ₱2,400; pursuant to the provisions of Act No. 1753.

Ceferino Alba to be justice of the peace for the municipality of Panitan, Province of Capiz, Fifteenth Judicial District, vice Tiburcio Dadivas, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Venancio Dolar to be justice of the peace for the municipality of Barotac Nuevo, Province of Iloilo, Ninth Judicial District, vice Juan Cartegena, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Jose Arnedo to be justice of the peace for the municipality of Apalit, Province of Pampanga, Fourth Judicial District, vice Tiburcio Mercado, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tomas Lasatin to be justice of the peace for the municipality of Mexico, Province of Pampanga, Fourth Judicial District, vice Tomas Lasatin, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Amando Francisco to be justice of the peace for the municipality of Taft, Province of Capiz, Fifteenth Judicial District, vice Marcos Fuentes, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Claudio Guerrero to be justice of the peace for the municipality of Basey, Province of Samar, Twelfth Judicial District, vice Placido Z. Tabunda, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Guadencio Zeta to be justice of the peace for the municipality of Taranagan, Province of Samar, Twelfth Judicial District, vice Basilio Felices, deceased; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Juan Almero to be justice of the peace for the municipality of Mandaoon, Province of Sorsogon, Fifteenth Judicial District, vice Perfecto Azue-ro, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gaudioso S. Valdehueza to be justice of the peace for the municipality of Tagoloan, Province of Misamis, Thirteenth Judicial District, vice Vicente Factura, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Raimundo Cirineo to be justice of the peace for the municipality of Nabas, Province of Capiz, Fifteenth Judicial District, vice Vicente Maga-llanes, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Andres Roxas and Mariano Cayamanda to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Alaminos, Province of La Laguna, Sixth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Villanueva and Santiago Villanueva to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Cavinti, Province of La Laguna, Sixth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Loreto Magalaman to be auxiliary justice of the peace for the municipality of Uson, Province of Sorsogon, Fifteenth Judicial District, vice

Ramon Marcaida, resigned; pursuant to the provisions of section 76 of Act No 136, as amended by Acts Nos. 1450 and 1627.

Benito Quintia to be auxiliary justice of the peace for the municipality of Dao, Province of Capiz, Fifteenth Judicial District, vice Longinos Peralta, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Arcadio Latorre to be auxiliary justice of the peace for the municipality of Calbiga, Province of Samar, Twelfth Judicial District, vice Bartolome Japzon, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Lazaro Javellana to be auxiliary justice of the peace for the municipality of Victorias, Province of Occidental Negros, Tenth Judicial District, vice Sinforoso Arceo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ricardo Conde to be auxiliary justice of the peace for the municipality of Bamban, Province of Tarlac, Fourth Judicial District, vice Felix Austria, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Moises Ilicito to be auxiliary justice of the peace for the municipality of Malinao, Province of Capiz, Fifteenth Judicial District, vice Doroteo Imperial, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Vicente Beluso to be auxiliary justice of the peace for the municipality of Pontevedra, Province of Capiz, Fifteenth Judicial District, vice Epifanio Arboly, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Anselmo Alicante to be auxiliary justice of the peace for the municipality of San José de Buenavista, Province of Antique, Tenth Judicial District, vice Isidro Garcia, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Roman Bautista to be auxiliary justice of the peace for the municipality of Laua-an, Province of Antique, Tenth Judicial District, vice Mariano E. Alakapa, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Toribio Errazo to be auxiliary justice of the peace for the municipality of Iba, Province of Zambales, Third Judicial District, vice Apolonio Rayman, deceased; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Eugenio del Castillo and Filomeno Enriquez to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Carmen, Province of Cebu, Eleventh Judicial District, vice Fabio Buot and Bernardo Basan, resigned; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gregorio Basalo and Gregorio Canada to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Minglanilla, Province of Cebu, Eleventh Judicial District, vice Antorico Cañares, not qualified, and José Lim, resigned; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Mamerto Cabatingan to be justice of the peace for the municipality of Liloan, Province of Cebu, Eleventh Judicial District, vice Marcelo Pilapil, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Isidro Duterte and Primo Tapia to be justice of the peace and auxiliary justice of the peace, respectively for the municipality of San Fernando, Province of Cebu, Eleventh Judicial District, vice Guillermo Manugas and Faustino Benablasco, relieved; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pastor Patalinghug to be auxiliary justice of the peace for the municipality of Opon, Province of Cebu, Eleventh Judicial District, vice Silvino Cusip, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Miguel Borinaga to be auxiliary justice of the peace for the municipality of Pilar, Province of Cebu, Eleventh Judicial District, vice Teodorico Nepomuceno, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Valentin Dedula to be justice of the peace for the municipality of San Remigio, Province of Cebu, Eleventh Judicial District, vice Vicente Abad, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts No. 1450 and 1627.

Felipe Sotto to be justice of the peace for the municipality of Tudela, Province of Cebu, Eleventh Judicial District, vice Lucas Martinez, deceased; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

FRIDAY, DECEMBER 13, 1907.

Antonio Miñosa to be justice of the peace for the municipality of Argao, Province of Cebu, Eleventh Judicial District, vice Lorenzo Albarra-cin, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Felix Albao to be justice of the peace for the municipality of Dimasalang, Province of Sorsogon, Fifteenth Judicial District, vice Ignacio Ma. Gimenez, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Nicolas Enano to be justice of the peace for the municipality of Gigaquit, Province of Surigao, Thirteenth Judicial District, vice Trinidad Salas, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Obillo to be justice of the peace for the municipality of Balaoan, Province of La Union, Mountain Judicial District, vice Tranquilino Orden, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Julian Gelera to be justice of the peace for the municipality of Villareal, Province of Samar, Twelfth Judicial District, vice Feliciano Romano, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Balbaboco to be justice of the peace for the municipality of Taft,

Province of Samar, Twelfth Judicial District, vice Joaquin Adigue, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gil Avanceña to be justice of the peace for the municipality of Arevalo, Province of Iloilo, Ninth Judicial District, vice Fernando Avanceña, who has declined the appointment; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Elias Pulmones to be justice of the peace for the municipality of Pototan, Province of Iloilo, Ninth Judicial District, vice Generoso Solinap, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Raimundo Carlos to be auxiliary justice of the peace for the municipality of San Pedro Macati, Province of Rizal, Fifth Judicial District, vice Julio S. Mateo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

José Robles to be auxiliary justice of the peace for the municipality of Tanay, Province of Rizal, Fifth Judicial District, vice Pastor Asuncion, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Patricio Lamagna to be auxiliary justice of the peace for the municipality of Santa Maria, Province of Pangasinan, Third Judicial District, vice Eugenio Monar, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Cecilio Ravino to be auxiliary justice of the peace for the municipality of Cajidiocan, Province of Capiz, Fifteenth Judicial District, vice Manuel Rabino, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Aguda to be auxiliary justice of the peace for the municipality of Cabatuan, Province of Iloilo, Ninth Judicial District, vice Gregorio Pedrola, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Teodoro Prado to be auxiliary justice of the peace for the municipality of Baybay, Province of Leyte, Twelfth Judicial District, vice Ricardo Ponce de Leon, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Benigno Delgado to be auxiliary justice of the peace for the municipality of Palompon, Province of Leyte, Twelfth Judicial District, vice Manuel Martinez, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Manuel Porta to be auxiliary justice of the peace for the municipality of Valladolid, Province of Occidental Negros, Tenth Judicial District, vice Filemon Corral, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Vicente Enriquez to be auxiliary justice of the peace for the municipality of Bulacan, Province of Bulacan, Fifth Judicial District, vice Carlos Morelos, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ysaac de los Reyes to be auxiliary justice of the peace for the municipality of Catarman, Province of Samar, Twelfth Judicial District, vice Lope Unay, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Claudio T. Tirona and Tomas Valez to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Kawit, Province of Cavite, Sixth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Norberto Matias and Generoso Manubat to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Santa Rosa, Province of Nueva Ecija, Fourth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Benito Mateo and Remigio Aquino to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Santo Domingo, Province of Nueva Ecija, Fourth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Bonifacio San Mateo and Andres Dominguez to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Cabiao, Province of Nueva Ecija, Fourth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Salvador Natividad and Eugenio de Guzman to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Jaen, Province of Nueva Ecija, Fourth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gervasio Aguilar and Valentin Sanchez to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of San Leonardo, Province of Nueva Ecija, Fourth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Fruto Macaranas and David Nieves to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Zaragoza, Province of Nueva Ecija, Fourth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

FRIDAY, DECEMBER 20, 1907.

John H. Evans to be lieutenant-governor for the subprovince of Amburayan, Province of Lepanto-Bontoc, vice Walter F. Hale, appointed lieutenant-governor for the subprovince of Kalinga; pursuant to the provisions of Acts Nos. 1396 and 1679.

Francisco Zafra to be justice of the peace for the municipality of Pag-sanjan, Province of La Laguna, Sixth Judicial District, vice Sinforoso

Gomez, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Eriberto Regalado to be justice of the peace for the municipality of Murcia, Province of Occidental Negros, Tenth Judicial District, vice Catalino Sales, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Leon Buenconsejo to be justice of the peace for the municipality of Carranglan, Province of Nueva Ecija, Fourth Judicial District, vice Pascual Velasco, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Guillermo Ancheta to be auxiliary justice of the peace for the municipality of Victoria, Province of Tarlac, Fourth Judicial District, vice Anastacio de Jesus, deceased; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Juan Rillo to be auxiliary justice of the peace for the municipality of Calamba, Province of La Laguna, Sixth Judicial District, vice Mariano Elazegui, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Macario Torres to be auxiliary justice of the peace for the municipality of Angeles, Province of Pampanga, Fourth Judicial District, vice José M. Punsalan, resigned; pursuant to the provisions of section 76 Act of No. 136, as amended by Acts Nos. 1450 and 1627.

Wenceslao Gonzales and Simeon Quiaoit to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Nampicuan, Province of Nueva Ecija, Fourth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tito Garcia and Pedro Quiambao to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Masantol, Province of Pampanga, Fourth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gregorio de los Santos and Tomás Reyes to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of San Simon, Province of Pampanga, Fourth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

FRIDAY, JANUARY 3, 1908.

Otto Scheerer to be lieutenant-governor of the subprovince of Batanes, Province of Cagayan; pursuant to the provisions of section 5 of Act No. 1693.

Lieutenant Benjamin B. McCroskey, Twenty-fifth Infantry, United States Army, to be justice of the peace for the municipality of Malabang, district of Lanao, Moro Province, Fourteenth Judicial District, vice Randall Kernan, resigned; pursuant to the provisions of section 27 of Act No. 787, as amended by Acts Nos. 1164, 1283, 1450, and 1627.

William J. White to be justice of the peace for the municipality of San Ramon, district of Zamboanga, Moro Province, Fourteenth Judicial District; pursuant to the provisions of section 27 of Act No. 787, as amended by Acts Nos. 1164, 1283, 1450, and 1627.

José T. Vinluan to be auxiliary justice of the peace for the municipality of Bautista, Province of Pangasinan, Third Judicial District, vice Proceso Reyes, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Y. Maglaya to be justice of the peace for the municipality of Caba, Province of La Union, Mountain Judicial District, appointment to be effective January 1, 1908; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Zacarías San Pedro and Mariano Mendoza to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Bocaue, Province of Bulacan, Fifth Judicial District, vice Juan H. del Pilar, deceased, and Zacarías San Pedro, nominated justice of the peace; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Segundo Estela and Teodoro Gorospe to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Santa Catalina, Province of Ilocos Sur, Second Judicial District, appointments to be effective January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Narciso G. Bautista to be auxiliary justice of the peace for the municipality of Binangonan, Province of Rizal, Fifth Judicial District, vice Cayetano San Agustín, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Fausto Sason to be auxiliary justice of the peace for the municipality of Barotac Nuevo, Province of Iloilo, Ninth Judicial District, vice Felipe Gonzales, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Silvino Madamba to be auxiliary justice of the peace for the municipality of Dingras, Province of Ilocos Norte, Second Judicial District, vice Joaquin Madamba, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Luis Eugenio and Antonio Castro to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Ilagan, Province of Isabela, First Judicial District, vice Marciano Salinas, resigned, and Alberto Paggao, who declined the appointment; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Simon K. Teatro and Juan Ries to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Gingoog, Province of Misamis, Thirteenth Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Marcelo Ermita and Lucas V. Advincula to be justice of the peace and

auxiliary justice of the peace, respectively, for the municipality of Nasugbu, Province of Batangas, Seventh Judicial District, vice Benito Arcega, resigned, and Marcelo Ermita, nominated justice of the peace; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Alejo C. Sison to be auxiliary justice of the peace for the municipality of Bayambang, Province of Pangasinan, Third Judicial District, vice Honorato Carungay, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Daniel Magat to be auxiliary justice of the peace for the municipality of San Luis, Province of Pampanga, Fourth Judicial District, vice Marcelino Trinidad, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Benito Rivera and Sebastian Mauricio to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Cabañan, Province of Zambales, Third Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Act Nos. 1450 and 1627.

Aniceto Beltran to be auxiliary justice of the peace for the municipality of San Marcelino, Province of Zambales, Third Judicial District, vice Alfonso Manuel, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Deogracias Claustro and Francisco Molina to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Tayum, Province of Ilocos Sur, Second Judicial District, appointments to be effective on January 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Vicente Camilang to be auxiliary justice of the peace for the municipality of Alava, Province of Pangasinan, Third Judicial District, vice Macario Rocabo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Severino Marivilla to be justice of the peace for the municipality of Santa Cruz, Province of Zambales, Third Judicial District, vice Pedro M. Venturoso, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Simeon Guramen to be auxiliary justice of the peace for the municipality of Olongapo, Province of Zambales, Third Judicial District, vice Epifanio A. Raymundo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Francisco Fadollone to be justice of the peace for the municipality of Sibalom, Province of Antique, Tenth Judicial District, vice José Fontanilla, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Lieutenant F. W. Bugbee, Twenty-fifth Infantry, United States Army, to be justice of the peace for the municipality of Parang, Moro Province, Fourteenth Judicial District, vice Lieutenant L. J. Mygatt, United States Army, resigned; pursuant to the provisions of section 27 of Act No. 787, as amended by Acts Nos. 1164, 1283, 1450, and 1627.

Moises Santiago to be auxiliary justice of the peace for the municipality of San Miguel, Province of Bulacan, Fifth Judicial District, vice Rafael David, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tranquilino Broce to be justice of the peace for the municipality of San Carlos, Province of Occidental Negros, Tenth Judicial District, vice Silverio Vicente, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Act Nos. 1450 and 1627.

THURSDAY, JANUARY 9, 1908.

Dr. D. Montinola to be district health officer for the Province of La Laguna, District No. 10, at a salary of ₱2,400 per annum, appointment effective January 1, 1908, vice Telesforo Ejercito, who is transferred to the district composed of the Provinces of La Union and Zambales.

Dr. Telesforo Ejercito to be district health officer for the district composed of the Provinces of La Union and Zambales, at a salary of ₱2,400 per annum, appointment effective April 15, 1907.

Dr. José Mascuñana to be district health officer for the Province of Pampanga, at a salary of ₱3,400 per annum, appointment effective April 15, 1907.

Dr. Vicente Jesus to be district health officer for the district composed of the Provinces of Batangas and Tayabas, at a salary of ₱3,200 per annum, appointment effective April 15, 1907.

Dr. Buenaventura Toribio to be district health officer for the district composed of the Provinces of Cagayan and Isabela, at a salary of ₱2,400 per annum, appointment effective October 1, 1907.

Dr. Paulino Quisumbing to be district health officer for the Province of Occidental Negros, at a salary of ₱2,400 per annum, appointment effective April 17, 1907.

Angel E. Paz and Felix Belleos to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Jalajala, Province of Rizal, Fifth Judicial District; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Simon Villareal and Miguel Cristobal to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Las Piñas, Province of Rizal, Fifth Judicial District; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Paulino Joaquin and Juan Domingo de Mesa to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of San Juan del Monte, Province of Rizal, Fifth Judicial District; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ignacio B. Amparado to be justice of the peace for the municipality of Bula, Province of Ambos Camarines, Eighth Judicial District, vice Maximino Praxedes, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Conrado Badilla to be justice of the peace for the municipality of Baao, Province of Ambos Camarines, Eighth Judicial District, vice Julian Barrameda, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Martin Ledesma to be justice of the peace for the municipality of Pilar, Province of Capiz, Fifteenth Judicial District, vice Natalio Pasis, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Antonio Yringan to be justice of the peace for the municipality of Camalaniugan, Province of Cagayan, First Judicial District, vice Manuel Littaua, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Julio F. Nery to be justice of the peace for the municipality of Mambajao, Province of Misamis, Thirteenth Judicial District, vice Leon Borromeo, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Candido Lemos to be justice of the peace for the municipality of Dinagat, Province of Surigao, Thirteenth Judicial District, vice Tomás Pecho, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gregorio Venezuela to be justice of the peace for the municipality of Pozorrubio, Province of Pangasinan, Third Judicial District, vice Tranquilino Meris, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Hermonegildo Modesto to be justice of the peace for the municipality of Pagbilao, Province of Tayabas, Seventh Judicial District, vice Cipriano Mendoza, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Captain T. H. Jennings, Philippine Scouts, to be justice of the peace for the municipality of Margosa Tubig, Moro Province, Fourteenth Judicial District, vice Lieutenant E. A. Harwart, resigned; pursuant to the provisions of section 27 of Act No. 787, as amended by Acts Nos. 1164, 1283, 1450, and 1627.

Florentino Evalla to be auxiliary justice of the peace for the municipality of Calabanga, Province of Ambos Camarines, Eighth Judicial District, vice Cipriano Filarca, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Fructuoso Susara to be auxiliary justice of the peace for the municipality of Daet, Province of Ambos Camarines, Eighth Judicial District, vice Rafael Serra, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ambrosio Reyes to be auxiliary justice of the peace for the municipality of San José, Province of Ambos Camarines, Eighth Judicial District, vice Manuel Imperial, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Calixto Pan to be auxiliary justice of the peace for the municipality of Goa, Province of Ambos Camarines, Eighth Judicial District, vice Juan

Amador, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Miguel Meden to be auxiliary justice of the peace for the municipality of Sipocot, Province of Ambos Camarines, Eighth Judicial District, vice Apolonio Miranda, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Silvino Vizconde to be auxiliary justice of the peace for the municipality of Calaca, Province of Batangas, Seventh Judicial District, vice Ramon Mangubat, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Amando Villariza to be auxiliary justice of the peace for the municipality of New Washington, Province of Capiz, Fifteenth Judicial District, vice Zacarias Mapa, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Fidel Seneris to be auxiliary justice of the peace for the municipality of Mambusao, Province of Capiz, Fifteenth Judicial District, vice Diego Ticar, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Victor Vergara to be auxiliary justice of the peace for the municipality of San Pedro Tunasan, Province of La Laguna, Sixth Judicial District, vice Leon Lineses, whose nomination is hereby canceled; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gregorio Paz to be auxiliary justice of the peace for the municipality of Pililla, Province of Rizal, Fifth Judicial District, vice Angel E. Paz, nominated justice of the peace of Jalajala; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Fabian Bautista to be auxiliary justice of the peace for the municipality of Caba, Province of La Union, Mountain Judicial District; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Baltazar Diaz to be auxiliary justice of the peace for the municipality of Dansalan, Moro Province, Fourteenth Judicial District; pursuant to the provisions of section 27 of Act No. 787, as amended by Acts Nos. 1164, 1283, 1450, and 1627.

José Nadorra to be auxiliary justice of the peace for the municipality of Iligan, Moro Province, Thirteenth Judicial District, vice Pedro Fortunato, resigned; pursuant to the provisions of section 27 of Act No. 787, as amended by Acts Nos. 1164, 1283, 1450, and 1627.

Pedro de Leon to be justice of the peace for the municipality of Obando, Province of Bulacan, Fifth Judicial District; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Basilio Santiago and Serapio Tejada to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Gerona, Province of Tarlac, Fourth Judicial District; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Zacarias Lazaro and Mariano de Guzman to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Pura, Province of Tarlac, vice Basilio Santiago and Serapio Tejada, nominated justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Gerona, Province of Tarlac, Fourth Judicial District; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Cesareo Garcia and Rosendo Perez to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Rosario, Province of La Union, Mountain Judicial District; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

SATURDAY, JANUARY 11, 1908.

Segundo Francisco to be justice of the peace for the municipality of Bacoar, Province of Cavite, Sixth Judicial District, vice Agripino Javier, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Prudencio Chicote to be justice of the peace for the municipality of Davao, Moro Province, Fourteenth Judicial District, vice José Bastida, deceased; pursuant to the provisions of section 27 of Act No. 787, as amended by Acts Nos. 1164, 1283, 1450, and 1627.

Simon Ramos to be justice of the peace for the municipality of Angat, Province of Bulacan, Fifth Judicial District, vice Santos Ramos, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Juan Fortes to be auxiliary justice of the peace for the municipality of Mandaon, Province of Sorsogon, Fifteenth Judicial District, vice Vicente Villamor, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Adriano Requeme to be auxiliary justice of the peace for the municipality of Talisayan, Province of Misamis, Thirteenth Judicial District, vice Arcadio Pader, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Justino Bautista to be auxiliary justice of the peace for the municipality of Sorsogon, Province of Sorsogon, Fifteenth Judicial District, vice Eugenio Obsum, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts No. 1450 and 1627.

APPOINTMENTS CANCELED.

Dr. Candido Mora to be district health officer for the district composed of the Provinces of Ilocos Norte and Ilocos Sur.

Dr. Buenaventura Toribio to be district health officer for the district composed of the Provinces of Cagayan and Isabela.

Dr. Paulino Quisumbing to be district health officer for the district composed of the Province of Occidental Negros.

TUESDAY, JANUARY 14, 1908.

José Luciano to be justice of the peace for the municipality of Magalan, Province of Pampanga, Fourth Judicial District, vice Pablo David, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Eulalio Valdes to be justice of the peace for the municipality of Tagudin, Province of Lepanto-Bontoc, Mountain Judicial District, vice Cosme Manzano, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ambrosio Valero and Hermogenes de Borja to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of San Rafael, Province of Bulacan, Fifth Judicial District; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Primitivo Mina to be auxiliary justice of the peace for the municipality of Tagudin, Province of Lepanto-Bontoc, Mountain Judicial District, vice Eulalio Valdez, nominated justice of the peace; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Bernardo Delupang to be auxiliary justice of the peace for the municipality of Cabagan Nuevo, Province of Isabela, First Judicial District, vice Antonio Pagulayan; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Catalino L. Diaz to be auxiliary justice of the peace for the municipality of Aringay, Province of La Union, Mountain Judicial District, vice Pedro Y. Maglaya, resigned, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Quirico Ramirez to be auxiliary justice of the peace for the municipality of Rosario, Province of Batangas, Seventh Judicial District, vice Cecilio Luansing, deceased; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Felix Plazo to be auxiliary justice of the peace for the municipality of Tigaon, Province of Ambos Camarines, Eighth Judicial District, vice José N. Clemente, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Victor Manipol to be auxiliary justice of the peace for the municipality of Badajoz, Province of Capiz, Fifteenth, Judicial District, vice Pedro Montesa, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

WEDNESDAY, JANUARY 15, 1908.

Francisco Sanz to be lieutenant-governor for the subprovince of Romblon, Province of Capiz, at a salary of ₱1,440 per annum, appointment to be effective as of July 15, 1907, the nomination of Mr. Sanz for the position of lieutenant-governor of said subprovince, submitted to and confirmed by the Philippine Commission on July 2, 1907, being hereby canceled; pursuant to the provisions of Act No. 1665.

Charles S. Babst to be justice of the peace for the municipality of Ca-taingan, Province of Sorsogon, Fifteenth Judicial District, vice Marcos Acuesta, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Alfonzo Dedios to be auxiliary justice of the peace for the municipality of Escalante, Province of Occidental Negros, Tenth Judicial District, vice Rufino Pineda, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

THURSDAY, JANUARY 16, 1908.

Pablo Oñate to be justice of the peace for the municipality of Piat, Province of Cagayan, First Judicial District, vice Fructuoso Santo Tomas, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pastor Alabado to be auxiliary justice of the peace for the municipality of Panitan, Province of Capiz, Fifteenth Judicial District, vice Juan Delfin, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Simon Regalado to be auxiliary justice of the peace for the municipality of Manapla, Province of Occidental Negros, Tenth Judicial District, vice Graciano Gonzaga, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gregorio Pilar to be auxiliary justice of the peace for the municipality of Vigan, Ilocos Sur, Second Judicial District, vice Sotero Serrano, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Sixto Gocoyo to be auxiliary justice of the peace for the municipality of Bulan, Province of Sorsogon, Fifteenth Judicial District, vice Andres Gimeno, removed; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Emigdio Callueng to be justice of the peace for the municipality of Tuao, Province of Cagayan, First Judicial District, vice Antonio Carag, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Varela to be auxiliary justice of the peace for the municipality of Bogo, Province of Occidental Negros, Tenth Judicial District, vice Julian Segovia, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

FRIDAY, JANUARY 17, 1908.

Pedro Crisólogo to be justice of the peace for the municipality of Dolores, Province of Ilocos Sur, Second Judicial District, vice Timoteo Crisólogo, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Celestino Gutiérrez to be justice of the peace for the municipality of Loboo, Province of Batangas, Seventh Judicial District, vice Simplicio Verana, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

F. Andres Zosa to be justice of the peace for the municipality of Maunanan, Province of Cagayan, First Judicial District, vice Federico Comin, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Francisco Engaña to be auxiliary justice of the peace for the municipality of Hilongos, Province of Leyte, Twelfth Judicial District, vice Dionisio Zabalza, who has declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts No. 1450 and 1627.

Regino Basa to be auxiliary justice of the peace for the municipality of Caranglan, Province of Nueva Ecija, Fourth Judicial District, vice Gaspar de Leon, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Florendo to be auxiliary justice of the peace for the municipality of Santa Maria, Province of Ilocos Sur, Second Judicial District, vice Severino Sebastian, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Anastacio Bello and Modesto Ruiz to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Alegria, Province of Cebu, Eleventh Judicial District, vice Tranquilino Ruiz, resigned, and Carlos B. Tomaquin, who has declined the appointment, respectively; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Filomeno Eray to be auxiliary justice of the peace for the municipality of Daan Bantayan, Province of Cebu, Eleventh Judicial District, vice Diego Arrojado, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Serapio Mendoza to be auxiliary justice of the peace for the municipality of Mandaue, Province of Cebu, Eleventh Judicial District, vice Andres Perez, who has declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gabriel Ruedas to be auxiliary justice of the peace for the municipality of San Remigio, Province of Cebu, Eleventh Judicial District, vice Victorio Sinining, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

SATURDAY, JANUARY 18, 1908.

Benigno Santi to be justice of the peace for the municipality of Kawit, Province of Cavite, Sixth Judicial District, vice Claudio T. Tirona, deceased; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

José G. Baculy to be justice of the peace for the municipality of Alcala, Province of Cagayan, First Judicial District, vice Mariano Canillas, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

TUESDAY, JANUARY 21, 1908.

Carlos Vejar to be auxiliary justice of the peace for the municipality of Dagupan, Province of Pangasinan, Third Judicial District, vice Bernardo Villamil, not qualified; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Vicente Trinidad to be auxiliary justice of the peace for the municipality of Santa Magdalena, Province of Sorsogon, Fifteenth Judicial District, vice Rafael Deza, deceased; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

WEDNESDAY, JANUARY 22, 1908.

Arsenio Jimenez and Numeriano Villalobos to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Jaro, Province of Iloilo, Ninth Judicial District, appointments to be effective on February 15, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

THURSDAY, JANUARY 23, 1908.

Petronilo Samson to be auxiliary justice of the peace for the municipality of Camalig, Province of Albay, Eighth Judicial District, vice Mariano Honrado, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Juan Virola to be auxiliary justice of the peace for the municipality of Jamindan, Province of Capiz, Fifteenth Judicial District, vice Gabriel Lumaqui, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tomás Tinio to be justice of the peace for the municipality of Dapa, Province of Surigao, Thirteenth Judicial District, vice Marcelo Andanar, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

MONDAY, JANUARY 27, 1908.

Dr. Allan J. McLaughlin to be Assistant Director of Health, vice Dr. John D. Long, resigned; pursuant to the provisions of section 5 of Act No. 1407.

José del Rosario to be justice of the peace for the municipality of Ligao, Province of Albay, Eighth Judicial District, vice Esteban Delgado, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Juliano Crispin to be justice of the peace for the municipality of Botalan, Province of Zambales, Third Judicial District, vice Francisco Lesaca, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Act Nos. 1450 and 1627.

Longino Belarmino to be justice of the peace for the municipality of

Badian, Province of Cebu, Eleventh Judicial District, vice Pacifico Gonzaga, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Fulgencio Vega to be justice of the peace for the municipality of Pina-mungajan, Province of Cebu, Eleventh Judicial District, vice Valentin Cerna, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Cayetano Arnedo to be justice of the peace for the municipality of Apalit, Province of Pampanga, Fourth Judicial District, vice José Arnedo, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Santiago Garilao to be auxiliary justice of the peace for the municipality of Hinigaran, Province of Occidental Negros, Tenth Judicial District, vice Roque Hontiveros, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

WEDNESDAY, JANUARY 29, 1908.

José Villegas to be provincial treasurer for the Province of Zambales, vice John W. Ferrier, resigned, appointment to be effective as of December 26, 1907; pursuant to the provisions of Acts Nos. 211 and 1581.

Blas Cena to be justice of the peace for the municipality of Naic, Province of Cavite, Sixth Judicial District, vice Cipriano Benedicto, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Doroteo Castillo to be justice of the peace for the municipality of Echague, Province of Isabela, First Judicial District, vice Justo Pastor Alindada, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gregorio Fontelera to be auxiliary justice of the peace for the municipality of Infanta, Province of Pangasinan, Third Judicial District, vice José Millora, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

THURSDAY, JANUARY 30, 1908.

Antonio Zafra to be justice of the peace for the municipality of Milagros, Province of Sorsogon, Fifteenth Judicial District, vice Briccio Rocco, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Roman Pagurigan to be justice of the peace for the municipality of Tumañini, Province of Isabela, First Judicial District, vice Juan Amistad, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Alfredo Lardizabal to be justice of the peace for the township of Naujan, Province of Mindoro, Seventh Judicial District, vice Santiago Comia, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

José V. Martinez to be auxiliary justice of the peace for the municipality of Tayabas, Province of Tayabas, Seventh Judicial District, vice Irineo Cabañero, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Domingo Quilan to be auxiliary justice of the peace for the municipality of Tagle, Province of Isabela, First Judicial District, vice Alejandro Lucas, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Eugenio Fleta to be auxiliary justice of the peace for the municipality of Pagbilao, Province of Tayabas, Seventh Judicial District, vice Bonifacio Perez, removed; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ambrosio Soriano to be auxiliary justice of the peace for the municipality of Lobo, Province of Batangas, Seventh Judicial District, vice Fernando Garcia, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

CERTAIN PROCEEDINGS

OF THE

PHILIPPINE COMMISSION

IN

COMMITTEE OF THE WHOLE

DURING THE

INAUGURAL SESSION OF

THE FIRST PHILIPPINE LEGISLATURE

PUBLISHED IN ACCORDANCE WITH THE FOLLOWING RESOLUTION:

C. R. No. 30. *Resolved*, That it is the opinion of the Commission, heretofore informally expressed, that ordinarily it is unnecessary that the discussions of the Commission when in executive session or when sitting in Committee of the Whole be reported stenographically, and that notes need be taken only in the case of hearings, the discussion of important questions, or the consideration of matters a record of which may be deemed advisable by the Commission to have, in which case the Secretary shall be so notified; and

Resolved further, That the records of such discussions as may be taken be printed at the back of the Journal of the Commission, notation to be made at the foot of the regular journal entry of the page number at which the discussion may be found, and that there be printed at the back of the journal also confirmations of nominations made by the Commission in executive session, under the dates on which such confirmations were made.

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

SATURDAY, NOVEMBER 16, 1907.

SUBJECT: Hearing with respect to the administration of and collections made in the Quinta market.

The Secretary read the following correspondence:

CITY OF MANILA,
MUNICIPAL BOARD, SECRETARY'S OFFICE,
October 28, 1907.

SIR: I have the honor to request that the Municipal Board be authorized to make the collections in the Quinta market through its disbursing officer, instead of its city assessor and collector, for the months of November and December.

This request is made in view of the apparent irreconcilable difference of opinion between the Municipal Board and the Collector of Internal Revenue as to what it actually costs to collect the Quinta market revenues. It is the intention of the Board, if this request is granted, to direct that the collections be deposited each day by the disbursing officer with the city assessor and collector.

The Board will like to have settled in a practical manner what the cost of collections should be in this market and knows of no better way than by making an actual test for a period of two months.

It is true that the Charter of Manila, section 61 of Act No. 183, provides that rents for land, markets, etc., are to be collected by the city assessor and collector. It is respectfully submitted that the paying in to the city assessor and collector by the disbursing officer each day of the amount collected would be in accord with the section of the Charter referred to. This is the way in which cemetery fees, court fees, and other city funds are collected now.

Very respectfully,

JOHN M. TUTHER, *Secretary.*

The Honorable,
the GOVERNOR-GENERAL, Manila, P. I.

OCTOBER 31, 1907.

SUBJECT: Investigation into cost charge for the administration of the Quinta market, and assessment and collection of taxes.

SIR: Complying with your verbal instructions of to-day, I have the honor to report that the superintendent of city markets and his assistants in the markets, as well as the clerks in charge of the records of market-tax collections in this office, have this day been instructed to furnish Mr. H. A. Lampman all information in their possession, to assist him in every way in their power, and to open to him all records regarding the assessment and collection of market taxes and cost thereof, and of the cost in the past to this office for the administration of the Quinta market and the assessment and collection of the taxes therein. Also, to furnish him with all data regarding the assessment and collection of said Quinta market taxes since June 15, 1907, when the dual system of controlling said market was inaugurated by the Municipal Board.

It is respectfully recommended that Mr. Lampman be authorized in his work in the Quinta market to obtain such comparative figures regarding the cost for collection, assessment, and administration of the Divisoria market and other markets as will make it possible for him to compare the present cost of the Quinta service under those various heads with the cost of the service in the other markets, and that in his investigation he be requested to enter into the matter of percentage cost of collection in the various markets, the total maximum collection capacity of the markets, and a comparison of the total actual collections with the total capacity in each market. It is also respectfully recommended that Mr. Lampman's investigation begin, if possible, to-morrow, as that is the first of the month, and the data which he will be able to get will be more valuable than if it were delayed to some subsequent day in the month.

Very respectfully,

JOHN S. HORD, *Collector of Internal Revenue.*

Honorable JAMES F. SMITH,

Secretary of Finance and Justice, Manila, P. I.

The President stated that the question was largely one of power, and that he did not believe that he, as Governor-General or Acting Secretary of Finance and Justice, had the power to interfere with the authority conferred upon the Collector of Internal Revenue by law; and that about the only thing he could do would be to appoint some officer or committee to make an impartial investigation into the matter and report the findings, with recommendations to the Legislature.

Mr. Hord pointed out that there was an evident mistake in the letter of the secretary of the Municipal Board regarding the collections in question, in that the secretary mentions cemetery fees and court fees. The Charter of Manila specifies what collections

the city assessor and collector shall make and court fees are not included. Such fees are to be received from the clerk of the court and the collection of cemetery fees is being made by the superintendent, who is designated a deputy to the office of the city assessor and collector. He submitted, therefore, that the collection of cemetery fees and court fees was not parallel with the proposed collection of market fees in any sense.

The President stated that inasmuch as the Municipal Board is held absolutely accountable by the Governor-General for results, he had said to them when they insisted upon establishing this system for operating the markets, at the time the appropriation bill was under consideration, that he had the gravest doubts whether they were not going to find it more expensive than the system then used, but as they were responsible for the city government and they insisted that that was the proper thing to do, they could go ahead; that all he wanted was results, and if at the end of the year there should be a loss he would look to the Board to explain it.

The President then stated to Mr. Hord that while he had not the legal power, and could not usurp the power, he would very strongly recommend that the Collector give the Board an opportunity to show what they can do.

Mr. Hord stated that it was not his intention to anticipate anything with regard to the expediency of the proposed change, but rather with regard to the legality of it, because he thought that the municipal secretary had made a mistake in that legally the cemetery fees were collectible by the city assessor and collector and are being so collected; that market fees also were collectible by the city assessor and collector while court fees are not. As regards the merits of the plan, he would be only too glad to reduce expenses, and if that could be done by taking the collection out of his office he would be pleased to see the change.

The President stated that he did not want to consider any amendment to the law at this time, because he could not foresee what would come of it.

Mr. Roxas stated that the question began last March, at a time when he was absent, and that the whole thing turned on the fact that he wanted to have one single system used in all the markets, instead of one system in some markets and another in others, which had been the practice.

Mr. Hord remarked that from the records of the Bureau of Internal Revenue he had found that this last method of making collections in the markets had caused considerable trouble to them; that the former city assessor and collector had asked that other methods be established and that he had asked it, but that the Municipal Board had failed so far to establish any uniform system, and the Board alone had the power to do it.

It was then explained by Mr. Roxas that it was somewhat difficult to get a system which would rule satisfactorily in all the markets, and so the Board had decided that the best rule would be that each seller should pay for the space that was used. He had then presented to the Board a project providing that the collection should be made on that basis, and the Collector's Office was consulted, and if his memory served him correctly, it was agreed that the system would be a good one. When they tried to put it into execution the Divisoria market people opposed it and they had the strike, with which the Commission was familiar, which fortunately lasted not more than two weeks. This system having been adopted, it was seen that it would be advisable to do away with the stalls which occupied ground only—that is, ground without a table—because the people who had no table placed their goods on the ground and it was found impossible to control them properly, because they came into the market, sat down for half an hour or an hour, and then left and others took their places. Various complaints arose with regard to the collection of fees from these persons, so that the Municipal Board, desiring to eliminate this difficulty, conceived the idea of taking the Quinta market under its control and taking charge of the assignment of stalls. It began this rule about July last and the city charged the chief of the division of sanitation and transportation with this duty. The first thing that the division did was to make the change inside the Quinta market, so that tables were divided into $2\frac{1}{2}$ -foot spaces as the unit basis for the rent, and in this way they were able to have fourteen hundred odd places. This did away with the stalls of those persons who had sat upon the ground outside of the market, and between it and the river. Within the market they were able to eliminate all the stalls consisting of goods other than comestibles, such as shoes, dry goods, etc., as the city considered that that kind of merchandise was not proper in a market for food supplies, and stalls selling those goods were nothing

more than branch shops for the Chinese tiendas, a great number of these stalls being in the hands of Chinese shopkeepers who put their goods there to sell. The Board considered that they were very fortunate in being able to eliminate those people, because it appeared from the records of the Collector that every time an attempt was made to do away with them great opposition and disturbance was caused. Continuing, Mr. Roxas stated that the Quinta market is now operated under a more moderate system. The Board had succeeded in having more light inside the market and at present only food supplies are sold there. In favor of this trial made in the Quinta market, he stated that the Board had numerous communications from the Director of Health congratulating them on the results obtained, stating that they had bettered the conditions in a large measure and he was well satisfied with it. Now, ₱45 daily are collected in excess of what was collected under the old system. The system adopted by the chief of the division of sanitation and transportation for assigning stalls gave rise to a discussion between the Municipal Board and the Collector of Internal Revenue. Mr. Roxas admitted that it was true that the system employed of giving a ticket to each stall daily was somewhat more expensive than the old system of giving a ticket every week, because under the old system it took only one ticket to a stall a week. On the other hand, they had the advantage of having a person in each stall every day, so that a beneficial result has come about, in that the inspector is in better contact with the people and inspects every stall daily, and if he finds anything out of the way he calls the occupant's attention to it. He stated that it costs about ₱162 a month more to distribute the tickets daily than to distribute them weekly, "But," he asked, "what does that amount to compared with ₱45 additional received daily by the daily distribution of tickets?" This, he stated, was the result of having the municipality assign the stalls, but the collections for the stalls are made by the Collector of Internal Revenue, and the Collector of Internal Revenue had stated that the system of giving a ticket to each stall every day was more expensive for him. The Board asked the explanation of the reason, and the Collector said that in order to introduce and follow that system it was necessary for him to engage a permanent American employee at ₱2,800 a year, another Filipino employee at ₱480, and another Filipino at ₱300, together with the additional expense for tickets

of ₱1,500. The Board, Mr. Roxas stated, objects to those figures, because the American employee referred to works in the Quinta market only an hour or two a day and has other duties to perform, so that the Collector should charge the city only a part of that man's salary for his services in the Quinta market, and further, he did not believe that many more tickets were used now, because probably a great many were given under the old system to those persons who had ground space. Mr. Roxas contended that the system that the city was endeavoring to adopt, and which had been tried in the Quinta market, gives greater satisfaction as to sanitation and has resulted in eliminating from the market those articles of dry goods which ought not be sold in a market for food supply, and that if the Collector of Internal Revenue maintains that it costs him more to make the collections, all that the Board asks is that he give them an opportunity to make the collections, as the Board claim that they can make them with only two Filipino clerks. The Board ask that they be allowed to do this as a test, and if they fail they can resume the former method.

Mr. Hord stated that Mr. Roxas was right when he said that there had been a great improvement in the arrangements and administration of the Quinta market and that there has also been an increase in the amount collected as market taxes, but he maintained that neither Mr. Roxas nor any other fair-minded man could blame the Office of the Collector of Internal Revenue for the previous conditions, nor should the Board take credit to the discredit of the Office of the Collector because the Quinta market has been improved physically. The market has been lighted and purified, he admitted, but those improvements Mr. Hastings, Mr. Cromwell, and himself had become tired of asking for. As regards the increase in collections, he thought it should be stated that when they made those physical improvements they also increased the tax rate, and that the increased collection of ₱45 a day is not equal to the increased tax rate, and in fact it could be proved that in the Quinta market, where this dual control exists, the actual collection is not nearly the percentage of the total tax as in the other markets where it has not existed. In the Divisoria market, Mr. Hord stated, they collected from 96 to 98 per cent of the total possible maximum collections, and in the Quinta market under the dual control there were more than one hundred and twenty stalls vacant every day, and the actual collections are about 90 per cent. The Municipal

Board put out the dry-goods dealers from the market. The Bureau of Internal Revenue never interposed any objection, but it should be stated that the city lost revenue in doing it. If people selling cigars and cigarettes were allowed to enter the market the city would make a great deal more. The people who had been shut out have sold these goods for years, and they have bitterly complained that they have not been allowed to enter, when there are any number of stalls vacant each day. This matter, he stated, is a city affair, and does not relate to the Office of the Collector of Internal Revenue, but he had commented upon it as it had been injected into the discussion. As regards the extra expense, he thought the reasons were so palpably clear that it was not necessary for the city disbursing officer or anyone else to go into it. He explained that there are 477 persons occupying stalls in the Quinta market and there are 1,448 stalls. A large number of these 477 persons occupy four stalls, quite a number occupy three, and some two; the average would be about three to each person. Most of them have been occupying stalls in the Quinta market since the American occupation. They go to the market every day and get three or four assignment tickets to the stalls they are going to occupy and are going to continue to occupy. The Quinta market system, he explained, obliged the Bureau to issue three or four receipts each day, and if they were allowed to collect the tickets each week they could collect as much as, or more than, is now collected. They were now required to issue 10,000 receipts, when the people were willing and anxious to occupy and in fact were occupying three or four stands each and paying weekly in advance. The system of collecting the taxes in the Quinta market last year, he stated, was an expensive one, but that the system now in operation was a much more expensive one, as is proven by the fact that what was spent last year in twelve months has already been spent this year, or, to be explicit, as much money will have been spent by Monday next for the collection of the Quinta market taxes as was spent for the fiscal year before, and, he maintained, they are expenses which have been absolutely necessary. It was necessary to add an American and two Filipinos there because the Filipinos were kept so busy collecting the 10,000 tickets they had no time to do anything else, and in this connection, he asked, "Did not the department of sanitation and transportation put in two Americans and have they not had two Americans?" These two Americans and several Filipinos,

he stated, devote their time, and have been since June last, in carrying around these tickets, and distributing them, and that is all they do. The Bureau, he continued, constantly finds persons occupying places that they should not occupy. They had constantly reported that persons were selling tobacco and cigars contrary to regulation. Market people, as a rule, he continued, are a very unruly crowd, and the administration of the Quinta market had not been any more peaceful than any other market. It is not more than three weeks ago that a sanitation and transportation man was assaulted with a knife. It does not mean that the situation is entirely peaceful because of this dual control, and certainly the collections are not any more complete than under the single control. The speaker stated that in regard to the first matter he desired to say a few more words. There were market troubles here for two or three years before the consolidation. When he came he found the row right away in the Divisoria market. In July, it came to a head. The Municipal Board wanted to increase the rates. He stated that they were very low and he thought they ought to be increased, but he asked the Municipal Board to give the people time to get ready for it. The Board would not listen to him, and the result was a strike. The strike lasted two or three days, and the Divisoria market was then turned over to his office. The people who had been forced to retire took up courage and in two weeks they came in and accepted the new rates, and advantage was taken of this by the Bureau to insist that the market be cleaned up. The people came in early this year and there has been no trouble in the Divisoria market. Why the Municipal Board should now take up the Quinta market was a puzzle to him. Fraud in market collections was talked about, and there was never a more complete investigation of fraud than was made, and nothing was proven. "What," he asked Mr. Roxas, "is the objection to the administration by the Bureau of Internal Revenue? The Divisoria market is paying between 96 and 98 per cent of the possible collections, and the percentage cost of the Divisoria under the control of the Bureau of Internal Revenue is not one-fourth of the percentage cost of collecting in the Quinta market under the dual control." Referring to the expense of the Bureau of 4 or 6 per cent, whatever it is, he stated that it included administration, assessments, and collections, and that the expense of the Bureau in the Quinta market

for assessments and collections alone was four or five times as great as in the other market, and if the expense of the sanitation and transportation division was added to that, it would make more than twice as much again. He expressed surprise at the position taken by Mr. Roxas in the discussion this morning, because he had always found him absolutely reasonable. Mr. Hord stated that when the Quinta market system was proposed he went to the Municipal Board and explained why it could not be a success and why it would increase the expense. Mr. Roxas said, "Let them go on, it can not succeed;" and in fact it was such a failure that within two or three days Mr. Roxas himself drew up another plan. He decided right away that it was going to be a much more expensive method of collecting the taxes. The whole object of the Bureau in this matter, Mr. Hord explained, has been to secure economy.

Answering Mr. Hord, Mr. Roxas said that it was quite true that when he had a conference with him as regards the original system presented by Mr. Mehan he had said that it would be better to give Mr. Mehan a chance to try it, because he, Mr. Roxas, did not believe it could succeed, but that system was not the same as the present system; that system was that no person should occupy a stall in the market without first getting a ticket, which required the people to get there very early in the morning. All this was changed, however, and persons are permitted to occupy their stalls and the tickets are passed to them. In regard to the disturbances caused by the other system, some rich persons would come and make an advance for the stalls and afterwards sell them out to the poorer people by the day. That, he stated, was one of the defects remedied by changing the system of collections. He urged that not only should the elimination of this abuse be kept in mind but consideration should be given also to the good moral effect on the poor people, which in itself would be sufficient to justify the system that has been established in the market.

"But," the President asked, "do you believe it is just to incur in three months the same expense incurred before in one year?"

Mr. Roxas replied that that was according to the statement of the Collector and was due to his system of making the collections. All that the Board asked was to be given an opportunity for one or two months and then they could talk about the facts.

The President thought it was clear that when they issued 10,000

tickets instead of 400 there would be an increased cost for printing in the first place and for distributing and making collections afterwards.

Mr. Roxas held that it was not purely a question of economy, but of administration. He insisted that consideration should be given to the benefit that was secured by having a man go to each stall every day and when distributing the tickets make his inspection. This was in the interest of the public health and particularly of the health of those persons who bought their comestibles there.

The President remarked that he did not believe that it was possible to prevent the monopolizing of stalls, to which Mr. Roxas replied that he would leave it to the Collector as to whether the Board had not succeeded. Mr. Hord stated that it had occurred in the Divisoria market and in all the markets and was growing right along in the Quinta market now and that his Office could prove it. "No government," he remarked, "can absolutely prevent speculation and 'graft.'"

In answer to Mr. Roxas as to why he did not believe that if the stalls were assigned daily such abuse would disappear, Mr. Hord asked what difference it made whether the stalls were assigned every year or once a month or once a week or once a day, to which Mr. Roxas replied that there was a possibility under the daily assignment of closer regulation.

Mr. Hord called attention to the fact that there were two Chinese in the market at the present time who have occupied thirty-two stalls for more than a month. Mr. Roxas stated that he did not want to touch upon the question of bad faith on the part of employees; that if he were to bring up all the cases reported to him by the secret police he would fill the table.

The President reminded him that it was a question as to whether his system avoids the evil of permitting one person to occupy more than four stalls; that Mr. Hord had said that he found two Chinamen occupying thirty-two stalls.

Mr. Roxas conceded the truth of Mr. Hord's statement, but he asked him whether it was not easier to avoid monopoly by assigning stalls daily than by assigning them weekly, to which Mr. Hord made answer that he did not believe it; because with the time occupied by distributing tickets they would have no time to make the collections and to investigate whether there was any monopoly in the use of the stalls or not.

Referring then to another point, Mr. Roxas said he believed Mr. Hord was mistaken when he said that when they were administering the Quinta market there was a less number of vacant stalls than there is now, and handed the Governor-General a paper showing the conditions formerly, with the remark that the manner of administering the Quinta market then could not compare with the manner of administering it to-day. He pointed out from his paper that then more than ninety stalls were vacant, and the market was so dirty that no one could pass it without being obliged to endure an offensive odor.

The President reminded him of Mr. Hord's statement that since the Board had turned the market over to the department of sanitation and transportation the Board had directed that it be cleaned up and had made improvements in the market that they refused to make when it was under the control of the Bureau of Internal Revenue.

Mr. Roxas then handed the President a table showing the size of the tables in the market and showing that there were different rates for different-sized tables, but that the said rates were not always in accordance with the size of the table. He asked if the Municipal Board was to be made responsible for the mistakes and bad administration of the Bureau of Internal Revenue. He suggested that the Government permit the Board to make the collections and have complete charge of the administration for a month or two, and appoint an inspector to make a report at the end of that time of what had been accomplished.

The President pointed out that that would be single control, and that it has been the contention of the Collector of Internal Revenue that if he had single control he could conduct the market with more economy and better administration. Mr. Roxas again called attention to the fact that the Quinta is the only market where they do not sell dry goods and cigarettes, and that in a market where they do sell cigarettes the air is foul with smoke, and in those markets where they sell dry goods they have real little houses within their piles of dry goods, and it can easily be imagined what happens in there.

Mr. Roxas then explained to the Commission the kind of ticket Mr. Mehan proposed, which the Collector of Internal Revenue refused to accept, saying that he had to have a ticket of his own.

Mr. Hord stated that he went directly to the Municipal Board and explained the reason why this system would not work, and the Municipal Board then said that it would not put it in. They agreed to put it in in a modified form on the 14th of June. Mr. Roxas was there at the time, he said, as was Mr. Cromwell and himself. It so happened that they could not put the system in, for the reason that all the market people arrived within twenty minutes and the gates had to be thrown open. That, he stated, did away with the ticket Mr. Roxas had exhibited, and, he added, no one knows better than the Municipal Board that that is a system which can not be put in.

Mr. Roxas insisted that if they were given control of the market they would not spend one cent more for tickets than they spend now, for all they would have to do would be to tear off the coupon [exhibiting book of tickets]. He asked Mr. Hord if he did not believe that the operation of the Quinta market by the Municipal Board would be more effective as to administration and sanitation, to which Mr. Hord replied that he could not see what sanitation had to do with the question under discussion. In his opinion, it was an entirely distinct proposition.

Commissioner Worcester remarked that of course what may be sold in the market and how it may be sold has to do with the possibilities of sanitation; that when the market was turned into a place for selling cloth, shoes, etc., it was impossible to keep it decently clean, and always would be, when there were stores there which could not be turned out.

Mr. Hord asked why they did not turn out those clothing stalls, at the same time explaining that the Bureau of Internal Revenue had nothing to do with the sanitation of the market.

To a remark of the President, to the effect that those goods could be excluded, Mr. Roxas said that they would find it easier if they had absolute control in their own hands. "We have not a great deal to say here," he explained, "but we ask an opportunity to prove what we say."

Mr. Hord remarked that he welcomed any detail; that Mr. Roxas had said that he had complaints from policemen about men in his office, but Mr. Roxas would not say what they were. "Last August or September," Mr. Hord continued, "the police sent us a lot of papers for a big investigation. We went into it. Judge Roxas and Mr. Velasco went into it, and I talked with Mr. McDonnell about it.

We tried our market clerks, and acquitted them. One of the complaints was that one of the market clerks owned a lot of land. It was proved that the man married land; that is, his wife had a lot of it. I asked the Municipal Board to help me and they refused. I took it upon myself to make an investigation. The municipal police of Manila do not do their duty if they do not go into these things. In all these investigations it was found that ₱4.50 of city revenues had been stolen, and I asked Mr. Bouvé to go back as far as he could. If it were not a credit, then it would be a discredit upon them and not upon me. It was said that the clerks did not steal the funds, but that they grafted on the taxpayer. I told Mr. Bouvé at the time that I did not like such methods. This man that was accused of grafting this land, which we showed had come to him from his wife, was convicted in the lower court of accepting a bribe of ₱50 from a Chinaman. I told Mr. Bouvé to get any evidence he could. During this investigation this man was not in the market and after the investigation our Office took him out definitely."

Mr. Hord mentioned also the case of the lady who went to Baguio with a complaint and petition. He stated that she was used by Mr. Bouvé as the star witness against a certain Chinaman accused of occupying three or four stalls in different parts of the market. He explained that the Chinaman had hardly left the stalls before this lady applied for the four herself. He told her she could not get them because she already had stalls and she could not use these without speculating. He stated that he mentioned these facts because it showed that all the inferences about the immensity of corruption in the market are not necessarily true.

The President, turning to Mr. Roxas, said: "I desire to say as I said to the Municipal Board, we installed the very system that the Board asked for, under the very arrangements that they asked for, and against the protests of the Collector of Internal Revenue at the time it was done. Now, of course, if you want a further change, it will have to go to the legislative body, unless the Collector of Internal Revenue will make the change for a couple of months, to give you an opportunity to do what you say, and that I recommend him to do."

Mr. Hord stated that there was nothing he would welcome more than to have some investigation right away of the statements he had made. As regards the expense of the market, he believed it to

have been increased four times, and if added to that was the expense of the dual control of administering the market it would mean ₱20,000 or ₱30,000 more. The Bureau, he stated, had reduced the expenses ₱30,000, and it asks the Board not to increase their collection expenses ₱20,000 or ₱30,000 more than is necessary.

The President stated that he was inclined to think that there is a great deal of expense in the Quinta market under the new system, which is not the system proposed by the Collector of Internal Revenue, but is the system which was insisted upon by the Municipal Board as the one which should be adopted and put into effect. Continuing, he said: "The Board did not insist upon the single control or any other modification of the system now in effect; that quite the contrary, Mr. Mehan himself represented that the dual control was a necessary check and had to be there. Now, of course, what the Municipal Board asks for is single control. If there is any blame to be attached to the incurring of a greater expense in the Quinta market than should have been incurred, that blame up to date is on the Municipal Board. They are the people who asked for this system and established it, with the warning solemnly made to them by the President of the Commission that if they incurred more expense under this system than they ought to they would be held accountable for the result. They are charged with the administration of the city of Manila, and they are supposed to give that city an economical administration. It is not necessary to go to the end of the year. It is very evident that the Municipal Board now realizes that more expense has been incurred than they had expected, otherwise I suppose they would have brought it up at the time the appropriation bill was under consideration. I will appoint a board to look into the matter, unless the Commission sees some other way out of it. I have no power to take away the authority of the Collector of Internal Revenue vested in him by law, and I should be very loath to propose such an amendment in view of my previous experience with the Municipal Board on this proposition, and in view of the fact that they urgently insisted that their system was the correct one. At the same time, I shall be very glad if they can take over, through agents named by them, the administration of this market for a couple of months for the purpose of demonstrating that another system is better than the one proposed by the Collector. If this is not done, of course I will have

to appoint a board to ascertain where the blame lies for the loss of revenue. As I understand it, there has been no complaint whatever on the part of the Municipal Board that the Collector of Internal Revenue should reduce the expense of making the collections under the system used."

Mr. Roxas stated that the only thing he asked was that the Collector state whether he has any objection to giving the city of Manila this opportunity of making the proposed test, because if he would do this there would be no necessity of amending the law.

The President stated to Mr. Hord that if the Board made any change in the system *that* could not be charged to the Bureau of Internal Revenue.

In answer to Commissioner Shuster as to the objection of the Bureau of Internal Revenue taking out its men from the market on Monday next, and allowing the city to take it over for two months, Mr. Hord said that if Mr. Roxas was to make this investigation himself he would allow him to do it, but his experience had been that the majority of the Municipal Board had not acted properly in this case and that Mr. Roxas was unfortunately in the minority. "The question is not the amount we collect," he said, "it is the cost. The Bureau does not say that they would steal the money."

The President stated that he thought they might be safely allowed to take it over for two months, and he would appoint a board to make an investigation of the question. He further stated that he was willing to give them a fair chance, because if the market was badly administered they may expect that they will meet with some results that will not be pleasing. Continuing, he said: "I am willing to be judged by the results that I obtain, and I will not stand any failure here from the Municipal Board or from any official who is under my jurisdiction. Every official under me must get success or yield his place to some one who *can* get it. There has been pretty bad administration in that Quinta market. The Municipal Board asked for a certain appropriation and they got it. It is now shown that on the 15th day of November the appropriation they have will be exhausted. They asked for this system and it was put in against the solemn protest of the Collector of Internal Revenue, who pointed out to them that they were going to incur a great deal more cost than they had ever incurred before. They insisted that they had a right to administer the city, and

I agreed with them. I said to them, 'You have asked for a certain sum of money and you say that with that sum you can run the market on the basis you proposed. If you make a failure of it you will have to stand the consequences.' "

Mr. Hord explained that he did not understand that they wanted to change the system, but that they wanted to continue the system and have all the say-so themselves, so that he would not have any knowledge whatever of what was being done in the market. He stated that he did not care to agree to that proposition; that he believed that there should be put in there an independent man who was not connected with the Board in any way. He submitted that the only question was as to the expense.

The President remarked that the matter had got to the breaking point now; that the appropriation is practically exhausted and the Assembly is ready to adjourn, and another appropriation will not be available, so that the market may have to be shut down, and all this was the fault of the Municipal Board, because that Board got exactly the system that they asked for and the money they asked for to run it, the Commission refusing to follow the advice of the Collector of Internal Revenue.

Commissioners Worcester and Forbes expressed the opinion that the facts stated were sufficient to justify the Governor-General in refusing to turn over the market to the Municipal Board, and that it was rather the Bureau of Internal Revenue that should have an opportunity to make a demonstration.

The President remarked that this demonstration was the only thing that would save the Municipal Board, and Commissioner Forbes suggested that the object of his remark was to save the Bureau of Internal Revenue.

Commissioner Tavera stated that he could see no objection to allowing the Municipal Board to make the trial, the Government appointing an inspector to oversee the business.

Mr. Hord stated that there was no need for dual control; that the men who make the collections can at the same time administer the market. The Municipal Board, he continued, say that that is wrong, and now they propose to do away with the dual control for two months, and then if they reduce the present expense they will say that the Bureau of Internal Revenue was wrong.

The President reminded Mr. Hord that he had not forgotten

that the gentlemen of the Municipal Board had insisted on dual control; that is, they allowed Mr. Mehan to speak for them. Mr. Mehan said it was absolutely necessary that they should have an intervention in that Quinta market as a check, and Mr. Hord added, "They advanced that proposition on the ground that there was fraud going on in the market; not one case of fraud was ever found there. Mr. Bouvé's report shows that there was never a cent lost. We say that our Office under the law has to make the assessments and collections and can administer the market. What is all this investigation going to prove?"

The President, turning to Mr. Roxas, said: "The system which the city has to-day is the one the Municipal Board insisted on, and the Board asked for a certain amount of money to carry it out. That money was allowed, and it is now exhausted, and that fact proves that either the Board did not know the cost of their system, or if they did know it they estimated for a less amount of money than was necessary."

Mr. Roxas answered that the Board did not expect that the Collector was going to expend a larger amount of money in carrying out that system, but the President reminded him: "When you wanted to implant that system, the Collector told you that a system which required the distribution of 10,000 tickets, instead of 400, would cost more."

Mr. Roxas replied that they had proposed a system by which the Collector would not have to spend anything for a single ticket; that they had this ticket with a coupon which was to be given out on assigning the stall, but Mr. Hord did not want to accept this kind of ticket.

Mr. Hord stated that he had told Mr. Roxas that he did not want to accept this ticket because the system would not work; that Mr. Roxas admitted it and went back to his office and started a new system. "Now," he continued, "Mr. Roxas says he could use this ticket. The very fact that the people can not be held outside the market makes this ticket useless." Continuing, he said: "They had this ticket printed with the title of our office on it without our knowledge. At the last moment they presented it. The Attorney-General said that this system could be put in if they passed an ordinance. The whole thing is illegal. They are doing something that the Charter does not allow them to do. I have not

raised any question and have not said a word about it for months, but the proposition now is that we will have to stop collections in the Quinta market on next Monday."

The President remarked that it would be better to stop on Monday and allow the city to take it over on Tuesday and do the best they could with it. With regard to their refusal to repair the market and furnish it with tables and lights when it was under the control of the Bureau of Internal Revenue, he stated that the Commission judged by the results, and in so judging would appreciate that the Municipal Board could not refuse the Bureau of Internal Revenue things that are necessary for success and then furnish those same things for some one else, and later point to what they had accomplished as compared to what the Bureau had accomplished.

Mr. Roxas stated that he claimed that the market was in better condition to-day, according to Mr. Mehan's report to the Board, than it was formerly, and that the city gets more out of it.

The question of rates collected being introduced, Mr. Cromwell was called and submitted figures showing the old and the present rates for a large number of stands from which it appeared that the rates had been materially increased.

Mr. Roxas stated that it appeared to him that the city should have absolute control of all markets, and that he had never seen a city charter in which the city was not put in absolute control of all the markets.

The President thought that the question of whether the market ought to be under the control of the Board or the Collector of Internal Revenue was another matter. He pointed out to Mr. Roxas that the Commission adopted a system suggested and urged by the Municipal Board against the protests of the Collector of Internal Revenue, and the system had failed, and if he could put a finger on any fact to show that this failure was due to the bad administration of the Collector then he (the Collector) would be held responsible for it. It appeared to be the fact, however, that the Board in their report stated that this form of ticket was not practicable and the Auditor disapproved it because it furnished no check.

Mr. Roxas remarked that the employees of the city had complained that the internal-revenue people had not tried to assist them in the use of this form of ticket, and Mr. Hord replied that

when it was attempted to implant the system in question he sent four or five employees to the market to try to bring order out of chaos and if possible make this system succeed. The Bureau, he said, had tried to help it in every way, and he had told Mr. Roxas that if the system was a failure he (the Collector) would be blamed for it. The President assured Mr. Hord that every member of the Commission knew that he had endeavored to show that the system could not be successful, and unless the Municipal Board could point out some fact showing failure on the part of the Collector to do all that he should have done to make it a success, the Collector could not be blamed in any manner. Mr. Hord stated that there is not a day that their collectors do not find that in some cases no tickets are assigned, but, he added, the distribution of 10,000 tickets, when 400 would serve the purpose just as well, is a tremendous proposition and the cost of these assignment tickets and the two or three Americans and six or eight Filipinos represents a much larger expense than *their* cost of collection. Judge Roxas, he remarked, disagreed with their figures, but for the sake of argument he would agree that it cost them no more. Formerly, the Bureau administered the market. As he understood it, the Commission wanted to know whether the total expense of that market had been increased.

The President interposed that it was very evident that double control must cost more, leaving out of consideration the cost of tickets and everything else.

Mr. Roxas insisted that the Board could prove all that they say if given a chance to make the collections for a month or two.

The President stated that he disliked very much to appoint a board of investigation, but that he was inclined to think it would be necessary for him to do so, and requested the opinion of the Committee of the Whole. The committee thereupon rose and reported to the Commission, with the recommendation that a committee of three be appointed by the Governor-General for the purpose of investigating the system at present in operation in the Quinta market, the system formerly proposed by John S. Hord, Collector of Internal Revenue, for the conduct of said market, and the system now proposed by the Municipal Board for the administration of the market, the said committee to make its recommendation to the Governor-General, together with a report as to the responsibility for any extra cost in the administration of the Quinta market since July 1, 1907.

The report of the committee was agreed to.

The President thereupon stated that, having conferred with the Secretary of Public Instruction and with the Secretary of Commerce and Police, he would appoint John S. Leech, Director of Printing; William T. Nolting, Assistant Director of Posts, and Howard A. Lampman, Insular Disbursing Officer, as members of the said committee, Messrs. Leech and Nolting being officials of the Department of Public Instruction and of the Department of Commerce and Police, respectively, and Mr. Lampman an official of the Department of Finance and Justice, of which the Governor-General was at present Acting Secretary.

The Commission then resumed the regular order of business.

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

MONDAY, DECEMBER 2, 1907.

SUBJECT: Proposed Philippine Steamboat Inspection Law.

The following gentlemen appeared to discuss the measure before the Commission:

Mr. C. Defer, representing Ynchausti & Co.

Mr. Luis Hidalgo, representing the Philippine Chamber of Commerce.

Mr. Patrick Millar, representing the Compañía Marítima.

Mr. Ramon Irureta Goyena, Mr. Luis Llansó, and Mr. José Velo, representing the Tabacalera Company.

Dr. Paul C. Freer, Director of the Bureau of Science.

Mr. Lawrence D. Weeks, supervising hull and boiler inspector, Bureau of Customs.

Mr. Frederick Simcock, Bureau of Navigation.

The PRESIDENT. This is an Act to provide for the inspection of steam and other vessels of the Philippine Islands, and to regulate the transportation of passengers and merchandise thereon, originally prepared in the office of the Insular Collector of Customs while Colonel McCoy was Acting Collector. He states in his letter submitting the proposed law that—

At the present time there is no law in effect in the Philippine Islands covering this subject, and the inspectors of hulls and boilers who are at present in the service of the Government of the Philippine Islands are guided largely in this particular by the law in the United States.

In the month of September, 1904, the Insular Collector of Customs appointed a board of customs officers for the purpose of investigating the necessity for such a law and regulations which should be issued thereunder, with directions to make a thorough investigation of the subject, to obtain all the information available, and to render a report at the earliest possible date.

The investigations of this board were delayed from time to time from various causes, and their report and recommendations were not finally submitted until a comparatively recent date. In their investigations an exhaustive study was made of the requirements of the United States and of all other maritime nations, and all of the important ship owners, agents, and representatives were given an opportunity to appear before the board and give it the benefit of their knowledge and advice; and the attached proposed law is the outcome of this Board's deliberations. The law itself has been based on the laws in force and effect in the United States, modified to meet local conditions existing in the Philippine Islands. After the compilation of the same was completed, the undersigned submitted copies of the proposed Act to the various shipowners and operators for such comment as they might care to make thereon. Most of them, however, professed themselves as being satisfied in the main with the provisions of the law, and its consideration and passage at an early date is recommended.

The bill has already been read the first and second times and during its second reading, at which Colonel McCoy was present, was amended considerably, printed, and ordered held for public discussion. The Commission is now ready to hear any gentleman present with regard to its provisions.

Commissioner Forbes called attention to the blank space in line 2 of page 20 of the proposed law, which, as he remembered it, was left to be filled in by the Director of the Bureau of Science.

The Secretary thereupon informed the Commission that the Director of the Bureau of Science had promised to be present at the meeting and would probably arrive before page 20 of the law was reached; but that the said Director had stated that his recommendations were contained in a telegram sent to the Commission on May 14, 1907, while they were at Baguio.

The telegram was read, as follows:

MANILA, May 14, 1907.

DONOVAN, Baguio:

Retel May 8 explosives. Minimum temperature Fahrenheit nitroglycerine nitrocellulose powders similar materials three hundred forty-five deteriorate rapidly especially hot climate, moist air or sunshine, when temperature falls somewhat. Gasoline obtained in market below thirty-two term gasoline includes naphtha camphene in Philippine Islands benzol below thirty-two so far none handled here except very small lots as solvent coal oils from seventy-four to one hundred two closed tester according to brand

crude petroleum varies with source lowest forty-five. Refined petroleum includes coal oil as above and lubricating oils the latter two hundred forty-eight German law. Retel May 13 one hundred ten excludes all kerosene now imported. Need flash test law before such action then one hundred twenty closed test our degree. Advocate as follows dynamite nitroglycerine gunpowders, etc., transported approved packages and approved sealed ventilated room vent open to sea oils flash point below two hundred forty-eight Fahrenheit and chemicals deck load approved place securely fastened in shade provided coal oils one hundred and ten or above in strong iron or steel tanks may be below deck. Petroleum above two hundred forty-eight in hold. Such provisions would allow passenger steamers carry these materials. Please note weights and measures law compels degrees centigrade.

FREER.

The Director of Science not having arrived at this point, and no one present offering to speak on the subject of burning fluids or substances which should be prohibited on vessels carrying passengers for hire, the President suggested that the bill be taken up from the beginning.

Mr. Luis Hidalgo was then recognized.

In the first place, he suggested, instead of calling this proposed law "The Philippine Steamboat Inspection Law" it be entitled "An Act for the inspection of commercial steamers in the Philippine Islands."

He then read section 6, as follows:

SEC. 6. If any vessel subject to inspection under this Act shall be navigated without complying with the terms thereof, the owner shall be liable to the Government of the Philippine Islands in a penalty of not over five hundred pesos for each offense.

He was of the opinion that instead of a fine for navigating without complying with the terms of the Act no clearance should be given, and stated that under the United States law a certain time is granted for renewing the license of a vessel, and he thought the same time should be granted here. Under this section, he explained, the owners of a vessel navigating without a license would be subject to a fine, when as a matter of fact they might not know that the license had expired, and he requested that the customs authorities be required to notify the owners or agents of the expiration of the license, as is done to-day, and if the vessel is operating at some other port, a sufficient time be allowed for her to return to Manila.

Commissioner Forbes pointed out that clearance is required only at ports of entry, and asked Mr. Hidalgo what would happen if the fine were removed and a vessel should disobey the law, in moving from Tacloban to Cebu, for instance.

Mr. Hidalgo replied that the Archipelago is divided into four districts, and it should be considered that the licenses of vessels belonging to the district of Manila which have expired should be renewed in Manila, and expired licenses of vessels belonging to other districts should be renewed in those districts. He stated that what he requested was, in effect, that where the license of a vessel has expired the vessel be not allowed to leave port without notification from the customs authorities that the license has expired, and the owners and agents here should have the same privilege as they have in America of sixty days for renewing the license.

At the suggestion of Commissioner Forbes, Mr. Hidalgo then stated that he would put his proposed amendment to section 6 in writing.

Mr. Llansó, of the Tabacalera Company, stated that when a vessel has been in foreign parts, and its license shall have expired, the owners or agents ought to be permitted to renew the license in the first port it touches where an inspection could be made, although sixty days may have passed since the license has expired. In illustration, he stated that a vessel might sail fifteen or twenty days before the date the license would expire, and then, being in foreign parts, the license could not be renewed until its return to some port where a renewal could be obtained. He thought that section 6 should be modified so that the fine shall not be imposed within thirty days after the expiration of the certificate of inspection. If a vessel should be in foreign parts at the time of the expiration of the certificate of inspection, the inspection shall be made upon its arrival at the first Philippine port where there is an inspector, without incurring the fine, even though more than thirty days have transpired.

Mr. Weeks, of the Bureau of Customs, stated that there was nothing to prevent them from having the vessel inspected thirty days before the expiration of their certificate; that if the boat wanted to leave port thirty days before the certificate expired, the certificate would be extended to cover that one port. Mr. Llansó contended, however, that when a vessel sails from one port it can not always be determined just what time she will be absent.

Referring to section 7, Mr. Hidalgo stated that the chamber he represented asked that wooden steam and sailing vessels be not required to go on the ways for inspection more than once in every

three years, except in case of collisions or other accidents which would make it necessary for the vessel to go on the ways for an inspection of the keel and other injured parts.

The President asked him if it was not true that in a single year, unless the copper on the hull is kept in good condition, a vessel will go to ruin, and Mr. Hidalgo replied that that was not so and what they based their request on was that the sheathing of the vessel is good for three years, provided the vessel does not go aground or meet with some other accident, such as a collision. The President pointed out that it does not infrequently happen that vessels scrape the bottom in these Islands, and he asked how long a hull would last, under such circumstances, unless attended to.

Mr. Hidalgo stated that in such case they would, of course, agree to having the vessel examined, and would be guided by the opinion of the customs inspector. "Another thing," the President asked, "is it not true that if water gets into the hull and is allowed to remain there it will rot out the timbers?" Continuing, he stated that he had seen that occur in a vessel in these Islands which had only left the shops a year before in good condition, and had come back in such bad shape, by reason of the fact that water had been allowed to remain in her hull, that she could no longer be used and had to be dismantled.

Mr. Hidalgo admitted that there was no question but that the wood would rot unless the water was kept out of the hold, but he explained that there were always pumps on board for that purpose and that the holds were sufficiently caulked to keep the water out.

The President explained that unfortunately it was not always the case that the water was pumped out. The Government had turned out a vessel, named the *Pittsburg*, in complete repair, and in one year it was completely ruined by allowing water to remain in the hold.

Commissioner Forbes called attention to the fact that there was nothing in the section which required that vessels shall be taken on the ways every year; that all that was required is that they shall be inspected in such manner as the inspector may deem advisable, and it seemed to him that the steamship owners and agents ought to be willing to leave it to the good judgment of the inspector as to whether the vessel should be taken out of the water if he has reason to believe that the copper on the hull has been torn. If he

has no reason to believe that the copper is torn, he can ascertain whether or not the timbers have rotted and make inspection of other parts of the ship without taking her out of the water.

Mr. Weeks stated that that was the way he understood it.

Mr. Hidalgo explained that two kinds of inspection were recognized, one afloat and the other on the ways, and he stated that he had nothing against the annual inspection when the vessel was afloat, but he did not believe it necessary that wooden vessels should be taken on the ways more than once in three years, because it is known that the copper will remain in good condition for that length of time.

Mr. Weeks pointed out that it was an impossibility to state in a law the exact time a ship can operate without being put in dry dock; that, for instance, the stern bushing of a wooden steamer would not last longer than twenty-four months; but, Mr. Hidalgo explained, in case it is thought that the stern bushing is out of order the stern of the vessel can be raised, without the necessity of taking the vessel out of the water to inspect the copper.

The President thought that this statement rather sustained the point made by Commissioner Forbes, that it is much better to leave the question of whether the vessel shall be taken out of the water to the good judgment of the inspector.

Mr. Hidalgo then stated that if it were necessary to repair the stern bush or stern tube the vessel could be taken out of the water every two years, but that in order to inspect the copper on a vessel sheathed with copper it is necessary to take the copper off, and that constitutes a very large expense.

The President thought that any inspector who would order the stripping of the copper from a vessel when he had no knowledge that the vessel had gone aground, or had met with an accident likely to have injured it, would show good evidence of his incompetency. It seemed to him that if an inspector inspected a vessel on the ways, and finding the copper in good condition ordered it removed in order that he might ascertain whether or not the wood under it was sound, would not be a very good inspector.

Mr. Hidalgo explained that the shipowners did not lack confidence in the inspectors, but he maintained that when it is clearly necessary to renew the copper to preserve the ship it is in the interest of the owner to do so.

The President explained that now and then inefficient inspectors

might be found, but that it is the duty of an owner, when a Government inspector orders him to do something, which to his mind is clearly unnecessary, immediately to call the matter to the attention of higher authority, when it can always be remedied; but if the Government was to fix by law a time in which a vessel must be taken out of the water and put on the ways, or within which the copper must be renewed, whether it is in good or bad condition, of course the inspector would have no recourse except to see that the law was obeyed.

Mr. Hidalgo thought a provision could be included to the effect that if the sheathing were found to be in good condition the inspector could increase the time for its use. He stated that the practice is now for wooden vessels to go on the ways once every twenty-four months, but the shipowners desired that the time be once in three years instead. In case it were necessary for a vessel to go on the ways before the three years were up, the owner, who was the most interested party, because he would subject himself to loss through neglect, would see that that was done.

The President stated that that might be true, but that it was a fact nevertheless that owners do not make necessary repairs and do not keep their vessels in good condition when it is to their advantage to do so. He explained that he had often seen an engine on board a Government steam vessel in very bad condition, due to the neglect of those in charge of it, and that although the Government has a system of inspection it had been found that the inspector does not always do his duty; that in the case of private vessels it was also true that there were instances in which they were not kept in good condition, although this did not apply to first-class steamers, but to those steamers plying between unimportant ports, which served to show that owners do not always look out for their own interest. In other words, he explained, inspection laws are not made for the best owners or for the most careful people, but they are always made for the most negligent. However, he suggested that Mr. Hidalgo prepare his amendment in writing and submit it to the Secretary of the Commission, when it might be considered later.

Mr. Hidalgo promised to do so.

Referring to section 8, Mr. José Velo suggested that the words "every four years" be inserted after the word "pressure," in line 2, so that the sentence shall read: "They shall subject all boilers to

hydrostatic pressure every four years and shall satisfy themselves by a thorough examination that the boilers are well made of good and suitable material." He explained that the insurance companies, which make these tests, make them every three or four years.

Mr. Weeks pointed out that the object of testing the boiler once a year by hydrostatic pressure was to show up possible defects, and that if this was not done the boiler was liable to cause considerable trouble from time to time.

Mr. Velo thought an ocular examination made of the inside and outside of the boiler is sufficient to show up any such defects, but Mr. Weeks contended that it would be impossible to find a small crack in a tube by an ocular examination alone. He stated that it frequently happens that when an examination is made the cracks are not seen, but when submitted to hydrostatic pressure they are shown up and also many imperfections are found in pipe connections.

Mr. Velo stated that what he wished to explain was that hydrostatic pressure is always at least 50 per cent above the ordinary pressure of a boiler, so that the material of a boiler is submitted to a strain, and the test causes defects in the parts which would not otherwise appear.

Mr. Weeks stated that in his experience he had never found that 50 per cent caused any defect; that the object of a hydrostatic test once a year was not only to test the boiler but also the connections; that, for instance, the main steam pipe of a boiler was covered up, so that the entire surface was not exposed to view, and if no hydrostatic pressure were put on, it would be impossible to find a defect, and if there is a defect, although a slight one, the hydrostatic pressure will find it.

Mr. Velo maintained, however, that in a case of that kind such a defect would be shown up by the steam pressure, but Mr. Weeks answered that that would not always be so, and it was advisable to put a slightly extra pressure on the pipes once a year to determine whether or not they were in good condition.

Mr. Velo still maintained that all such defects as Mr. Weeks had in mind would be shown up by the ocular interior and exterior examination which is made, and he believed that it was sufficient to make the hydrostatic test once every four years, but that the ordinary inspection should be made every year.

Referring to section 9 Mr. Hidalgo called attention to the fact

that this section provided that an inspector at any port might inspect a vessel in addition to the regular annual inspection, and this he thought would often cause vessels to be detained; that, for instance, if a vessel left Manila en route to four different ports she might be inspected at each one of her stopping places. He thought it ought to be provided that a vessel leaving Manila with a certificate of inspection should not be required to be inspected until her return to Manila, which is the port where she is registered, except in case of collision or grounding, or any other accident which would make inspection necessary. He proposed that sections 9 and 10 be stricken out.

The President agreed that it would seem that if a vessel was inspected in Manila just before leaving on her voyage, it would be useless work to have her inspected at every port at which she might call, unless she had met with some accident between ports. He thought section 9 might be amended, so as to provide that, in case a vessel has been inspected before leaving one port and meets with no accident, no further inspection should be required during the voyage.

Mr. Hidalgo thought that both sections 9 and 10 should be stricken out, and a new section inserted in place of the two, and the President suggested that he prepare his amendment in writing and turn it over to the Secretary, which he said he would do.

Mr. Llansó, of the Tabacalera Company, remarked that it appeared that besides the present inspectors there were to be a number of local inspectors, and he proposed that there be no more inspectors than those now authorized.

The President, however, explained that it was his understanding that the reference to local inspectors meant those inspectors which exist to-day, at ports such as Iloilo and Cebu.

Mr. Llansó then pointed out that section 8 provided for an annual inspection and section 9 provided that, in addition to the annual inspection, "local inspectors shall examine vessels subject to inspection arriving at and departing from their respective ports sufficiently often to enable them to detect any neglect to comply with requirements of this Act, or of the regulations issued hereunder, and also any defect or imperfection which may become apparent, after the annual inspection aforesaid, which may tend to render the navigation of the vessel unsafe;" this provision, he stated, failed to indicate whether the inspection was to be made frequently or

infrequently, and he believed the annual inspection would be sufficient.

The President explained that the provision in section 9 was really not against the shipowners, but was directed more against the inspector, for the purpose of holding him to his duties in cases where there is reason to believe that some defect has occurred which makes it obligatory upon him to inspect the vessel for the purpose of ascertaining the extent of that defect. To illustrate his point, the President cited the case of a vessel coming into port which, while on her voyage to that port, has experienced an explosion on board; the vessel had only lately been inspected; nobody says that any damage has been sustained by the vessel; but still the fact that there was an explosion ought to be enough to compel the inspector to look the vessel over, to see whether anything really had occurred to injure her. Continuing, he said: "Our experience with inspectors is, at least in the United States—I do not know about them here—that they are disposed to earn their salaries quite easily, failing to give to vessels the inspection they require. Many accidents have occurred, in the city of New York, for instance, where a great many lives were lost, due principally to the failure of inspectors to perform their duty. In New York, even where an accident occurred without the fault of anybody, it was found that the steamship company had on board the requisite number of life-preservers, but it turned out that they were useless. The steamship company was not bound to inspect those life-preservers, but the official inspector of the Government should have found out about their condition. The result was that when the accident I have in mind occurred it was ascertained for the first time that the life-preservers were entirely useless, and as a consequence many lives were lost."

Mr. Hidalgo remarked that up to the present time the Philippine inspectors had fulfilled their duties very strictly, perhaps even more strictly than the inspectors of New York.

The President admitted that under section 9 a Government inspector could make a great deal of unnecessary trouble and annoyance for owners of steamships, but he thought that any inspector who would do that would be very quickly discovered, and if the owners of vessels did their duty and made complaint to superior authority the matter could be remedied in every instance.

Mr. Weeks stated that his construction of this section would be that when it comes to the knowledge of the inspector that some accident has happened to a ship he has authority to go aboard that ship and inquire into it, but that it does not mean that the inspector shall order a complete inspection and thereby hold the vessel up for a long time.

The President thought it possible that an amendment could be made to the section to meet the objections raised, providing, for instance, that whenever an inspector had reason to believe that there was some defect in the equipment of a vessel or that some damage or injury had been sustained by her it shall be his duty to inspect the vessel. That will throw the burden on the inspector of exercising judgment in making his inspection.

Mr. Goyena asked if this could not be done without giving the inspector authority to detain the vessel, allowing him simply to go to the vessel, see what was necessary, notify the owners, and permit the vessel to depart.

The President stated that he believed that in every case where these inspections were made the inspector should endeavor to make them in such a way as not to delay the vessel, although it might be possible that where something serious was the matter she would have to be detained.

Commissioner Luzuriaga called attention to the fact that the objection raised was met by section 11 of the bill.

The President stated that he thought the question of delay was covered by section 11, as pointed out by Commissioner Luzuriaga, but that the Commission was in favor of the other amendment proposed, as to when other than annual inspections shall be made.

Mr. Hidalgo then read section 12, as follows:

Every master or commander of any vessel subject to inspection shall keep on board of such vessel, in English and Spanish, at least two copies of this Act and of the regulations issued hereunder, to be furnished him by the Insular Collector of Customs, and if the master or commander neglects or refuses to do so, or shall unreasonably refuse to exhibit a copy of the same to any passenger who asks for it, he shall be liable to a penalty of twenty pesos.

He proposed that the words "and if the master or commander neglects or refuses to do so, or shall unreasonably refuse to exhibit a copy of the same to any passenger who asks for it, he shall be

liable to a penalty of twenty pesos," be stricken out, as it was possible that many passengers on the voyage would be continually asking him through curiosity for a copy of the law and regulations, and if it were blown overboard through accident at any time and was not available another passenger might make complaint against the captain upon arrival at port.

The President thought there was something in the objection and that there should be kept on the vessel, in English and Spanish, two copies of the Act and the regulations issued under it, and that these copies should be kept at some convenient point where passengers might read them, and if they were not so posted the captain would be subject to a certain fine, but he did not believe he should be subject to a fine of twenty pesos for every time that he refused to show a passenger a copy of the Act or regulations.

Mr. Llansó proposed that the Act and regulations be printed and hung up inside with the other regulations which steamships are now required to carry.

The President agreed that this ought to be sufficient.

Referring to section 13, Mr. Hidalgo thought that the provisions of this section should be confined to the existing ports of inspection.

The President stated that he could not see the object of the amendment. It appeared to him that the purpose of the section in the form proposed was to obviate the necessity of bringing the matter before the legislative body, if it were found necessary to increase the inspection districts. He thought the trouble might be avoided by inserting the words "with the approval of the Secretary of Finance and Justice" after the word "Customs," in section 13, third line, page 7.

Mr. Weeks recommended that the word "supervising," in the same section, lines 5 and 6, page 7, be stricken out; also that the word "Each," in line 5 of section 13, and at the beginning of section 14, be changed to the word "The."

Referring to section 14 of the Spanish text of the proposed law, the Compañía General de Tabacos de Filipinas recommended that everything concerning local inspectors be suppressed, as the inspectors have no right to examine nor demand information with respect to the management of the vessel.

The President explained that section 14 of the English text does not provide that; that all the inspector has a right to do is to make reasonable inquiries, and the owners of the vessel shall furnish all

facilities for examination and information in their power in regard to the vessel, her machinery, equipment, and management. With regard to the word "management," the President thought it might be stricken out, as the inspector had nothing to do with the management of the vessel.

"Nothing more than to see that the equipment aboard ship is in good condition," Mr. Weeks remarked, and Commissioner Forbes thought such a thing as fire and accident drills might enter into the management as contemplated by the law.

The President thought that under this law an inspector could go to the captain and inquire as to how he managed the business of the ship, what rates he charged, what freight he took on at certain points, etc., things with which the inspector has nothing whatever to do. Fire drills and things of that kind, the President thought, could be covered in the law in general terms, such, for instance, as by the addition after the word "equipment," in line 20 of page 7, of the words "and all other matters affecting the safety of the vessel or her passengers," striking out the words "and management."

Mr. Llansó explained that the word was badly translated into Spanish; that instead of using the word "administración" the word "manejo" should have been used. He agreed to the amendment proposed by the President.

Section 16 was then read, as follows:

All licensed marine officers shall assist the inspectors in their examination of any vessel to which such licensed officers belong, and shall point out all defects and imperfections known to them in the hull, boilers, machinery, or equipment of such vessel.

The President stated that the Tabacalera Company desired this stricken out. He thought that the words "All licensed marine officers shall assist the inspectors in their examination of a vessel to which such licensed officers belong" might be stricken out, but that the provision that all licensed marine officers shall point out defects and imperfections known to them in the hull, boilers, machinery, or equipment of their vessels should remain.

In answer to Mr. Llansó as to the penalty for an officer refusing to point out the defects, the President stated that the law is that in case of the neglect of an official to point out defects or to do his duty in any way he is liable for the loss of life or property which may result.

Mr. Llansó thought that a case of this kind would be a matter

for the courts to settle, and that the Collector of Customs would have nothing to do with it, and as such cases are covered by other laws there is no necessity for inserting it in a law of the kind under discussion.

The President explained that if officials are compelled to aid inspectors by pointing out defects, and they do so point them out, they are free from all liability. If by reason of their failure to point out any defect an accident occurs, then it is due to their negligence and perhaps also to the failure of the Government official to find the defect. As before stated, he thought the first part of the section might be stricken out, allowing the latter part to remain.

Commissioner Forbes was of the opinion that such a provision put the officers of a ship in a very bad position, but the President explained that officials might know of defects which would escape the inspector; that, for instance, as Mr. Weeks had stated, there might be a defect in a steam pipe which would escape the inspector unless the high pressure were put on. If such a defect is known to an official it is his duty to call it to the attention of the inspector.

Commissioner Forbes then stated that he thought the officers of the ship ought to give the information; but Mr. Llansó explained that if the officials are obliged to inform the inspector of such defects they might, after giving such information, lose their positions. He did not think that if an employee of a house knew of some defect in that house he should be compelled under penalty to give information of it.

The President pointed out that the law refers only to such defects or imperfections as may affect the safety of the vessel or her passengers. He did not believe it necessary that information of immaterial defects, which do not affect the safety of the vessel or passengers, should be required of officials. He suggested the following amendment: Strike out all after the word "officers," section 16, line 20, page 8, down to but not including the word "shall" in line 22; strike out the word "such" in line 23 and insert in lieu thereof the word "the;" insert a comma after the word "vessel" in line 23, at the end of the section, and add thereto the following: "To which such licensed marine officers belong, which might affect the safety of the vessel or her passengers."

Referring back to section 15, line 12, page 8, making the inspector failing to perform his duty civilly liable for any loss of property

which may have been occasioned thereby, Mr. Weeks earnestly recommended that this line be stricken out.

The President pointed out that in the same sentence the inspector is made criminally liable and that where a man is criminally liable for an act he is also civilly liable for the damages caused.

Mr. Weeks stated that there was no such provision in the United States law, but the President explained that it was not necessary that it be in a special law if it is in the general law, and to put it in the law under discussion was a work of supererogation.

Mr. Weeks was of the opinion that if the section was not changed the inspection would be so severe that it would cause considerable delay to vessels, because it would be necessary for the inspector to give a vessel a very thorough inspection for his own protection.

Mr. Velo thought it advisable that Mr. Weeks's suggestion be followed and that the line in question be stricken out.

The President stated that he would offer no objection, but he doubted the wisdom of striking it out. He pointed out that the rule would be, if the section were left as it is, that a party injured would not seek damages from an official of the Government, resulting from the bad condition of a vessel, but that he would always look to the owners as the people best able to respond for damages; and that the experience in the United States is that no person who is damaged ever seeks civil redress from the least responsible, but rather prosecutes the least responsible criminally and goes to the company for civil damages. However, if the section was to be amended, he suggested that it be amended by striking out the words "and shall be civilly liable for any loss of property which may have been occasioned thereby."

Mr. Hidalgo then stated that it was his opinion that both sections 15 and 16 should be stricken out, because as they stand they would give rise to a great many irregularities. He explained that a patron or master of a vessel who did not want to leave port would tell the inspector that there was such and such a defect in the vessel, and that would cause delay. The inspector would look it over and say that the defect was not a very bad one and that the vessel might be permitted to sail, but the delay would have already occurred.

The President, however, called attention to the fact that the instant that the vessel arrived in port it was the duty of the

inspector to go on board, and there could be no delay except on account of defects, which, if not remedied, might endanger the security of the vessel or its passengers; but, Mr. Hidalgo explained, an official of the vessel might report some defect to an inspector which would cause a delay of only an hour, but that delay might mean the loss of an entire day, according to circumstances. He thought the regular examinations made by the inspectors are a sufficient guaranty of the safety of the vessel, for the reason that in order to be appointed as an inspector a man must be competent to perform the duties of the position, and because up to the present time all decisions of the inspectors here have been exact. Furthermore, he thought that it would not be equitable to make inspectors civilly responsible for losses caused by overlooked defects, and stated that, with such a provision in the law, if he were an inspector he would tie up all vessels in order to avoid the possibility of anything happening outside.

The President suggested that if he attempted anything like that he would not long be an inspector.

Mr. Hidalgo insisted that a ship might leave Manila with a boiler in good condition, and outside Corregidor, due to negligence on the part of the engineer, it would blow up. Under such circumstances, the people would claim that it was due to carelessness on the part of the inspector in making his inspection, but the President informed him that all an inspector was liable for under Section 15 was failure to do his duty; that if an inspector does all that his duty requires him to do, and finds that a vessel is all right, and after she leaves port a boiler tube is blown out, the inspector of course is not responsible for that. But, Mr. Hidalgo contended, that would not keep him out of a lawsuit, because if he should lose a cargo he would bring suit against the inspector.

The President differed with him and suggested that what he would probably do would be to bring suit against the owners of the vessel, because usually the owners are much better able to respond for damages.

Mr. Hidalgo thought that the owners would immediately claim that the inspector had inspected that part of the machinery which caused trouble, and point to section 15 of the law, which provided that the inspector was criminally liable.

The President remarked that there were cases in which the inspector ought to be criminally liable, as for instance where he finds

that the machinery of a vessel is in good condition but that some of her equipment—life-saving apparatus, for instance—is in very bad condition, but allows it to pass; the vessel goes out and strikes a rock one-half a mile from the shore in calm weather when every passenger could with serviceable life-preservers reach shore, but owing to the fact that the life-preservers were defective half the passengers are drowned. That would be the fault of the Government inspector and he ought to go to jail, because he was the cause of the death of many persons whose lives might have been saved had he done his full duty; and that, the President continued, is the penalty of occupying any Government office, from the Governor-General up or down, and anybody who accepts a Government office accepts the risks that go with it. A Constabulary officer, for instance, is assaulted by a criminal whom he is placing under arrest, and his life is in peril. He kills the criminal, and must be tried by the courts and be put to a great deal of trouble; but that does not signify that he ought not to have killed the man when his life was in danger. "Further," the President stated, "as Governor-General I am approving plans for bridges every day, on the recommendation of the Supervising Railway Expert. If one of those bridges were to fall and kill a great many persons, I would be responsible and so would the Railway Expert."

Commissioner Forbes had some doubt as to whether he would be criminally responsible, but the President maintained that he could not escape criminal responsibility; that the company, in the first place, was responsible; then the Railway Expert, and next the man who approved the plans. He recalled a case in Chicago, where all officials who had anything to do with the construction of certain tenement houses, which had collapsed, were tried five years afterward. He admitted, however, that rarely in the United States is an inspector or other official found criminally liable, unless gross negligence is shown. However, he stated, the suggestions made by the gentlemen who discussed the question would be taken under advisement by the Commission.

Referring to section 17, Mr. Goyena asked for information as to how it was to be understood with respect to foreign-made boilers brought into the Philippines.

The section reads as follows:

Every boiler hereafter manufactured in the Philippine Islands to be used on steam vessels, and made of iron or steel plates, shall be constructed

of plates that have been stamped in accordance with the provisions of this Act.

It might happen, he continued, that a boiler made in London or Hongkong might be a very good one, with stamped plates, but the steel in it might not be exactly up to the requirements of this law, as the requirements of the law in the country from which it came would probably not be the same as those provided by the law under discussion.

The President thought there was a mistake in section 18 and that the word "and" in the first line should be "not," so that the section would read "all boilers used in steam vessels not constructed of iron or steel plates, according to the rules and regulations prescribed by the Insular Collector of Customs," etc. If the section read this way, a boiler constructed of iron or steel plates, according to the rules and regulations prescribed by the Board of Supervising Inspectors of the United States, the British Board of Trade, British Lloyds, or Bureau Veritas, could not avoid being in consonance with the law.

Then, turning to section 21, he read: "Every plate of boiler iron or steel intended for the construction or repair of marine boilers to be used in the Philippine Islands shall be distinctly and permanently stamped by the manufacturer thereof," etc. Under this section, he stated, the inspectors would have nothing to do further than to see that the name of the manufacturer is stamped on the plate, whoever the manufacturer might be.

Mr. Goyena asked if in the case of a plate manufactured in England, coming into these Islands, the fact of its being properly stamped would relieve the inspector from the necessity of testing it, to which the President replied that he thought that it would, and further, in reply to Mr. Goyena, he stated that he did not think the inspector could refuse to accept such a plate; that the object of requiring the plates to be so stamped was in order that the manufacturer of a defective plate could be traced.

Mr. Goyena asked if time could not be given to bring stamped plates from abroad, because if the law were in effect now and it were necessary to make repairs to a boiler, no stamped plates could be had in Manila, and further, he declared the value of plates on hand in Manila amounts to many thousands of pesos, and these plates would have to be discarded.

Mr. Weeks stated that that would not be the case, as the regulations issued by the Collector of Customs permit plates to be tested in Manila, and further, that manufacturers and dealers may have two years within which to get rid of stock on hand.

Mr. Goyena then said that it would be advisable for the Government to order all houses in the Islands having plates to have them tested, so that if a shipowner buys them the inspector can not come along and refuse to accept them.

The President thought the argument of Mr. Goyena was a sound one, and that there should be something in the law which would allow manufacturers to use the plates already on hand. Section 18, he declared, was very badly prepared, because under it the only new boilers subject to a hydrostatic test of two to one are those which are approved by the Collector of Customs or by the Board of Supervising Inspectors of the United States, the British Board of Trade, British Lloyds, or Bureau Veritas.

Mr. Weeks stated that there was another defect in the section, in that the original draft of the law required only one and one-half times the steam pressure, whereas the section as it now reads requires twice the steam pressure. He recommended that this be changed to one and a half.

Referring to the point made by the President, he stated that what was really meant was that all boilers used must be subject to that hydrostatic pressure.

The President thought that what was meant by those who drafted the law was that the bodies mentioned were so well known and recognized as experts that there was no necessity of subjecting new boilers, approved by them, to the hydrostatic test, but that any other plate used in a boiler not constructed according to the rules and regulations of those bodies must be so tested. Now, of course, he continued, the Insular Collector of Customs is not recognized as an authority throughout the world, but he should be recognized here, so as to give some liberty of action to the manufacturers of this country. For that reason the Insular Collector of Customs was also included in the section.

Mr. Goyena then stated that he thought that the requirement that all boilers should be subject to a hydrostatic test, in the ratio of 150 pounds to 75 pounds to the square inch, was too severe, and that it should be sufficient that the plates are stamped with the pressure which they can stand.

Mr. Weeks explained that the United States law provides for a ratio of 150 pounds to 100 pounds, and that in order to make this proposed law explicit it ought to read "one and one-half times the steam pressure allowed."

In answer to the President as to how it was known when a plate was being made what the steam pressure of the boiler was going to be, Mr. Weeks stated that it was worked out by the manufacturers of the plate by formula. He then stated that what was meant in the Act was that the stamp of these manufacturers on these plates would be accepted.

The President pointed out that the law did not say so, but that as a matter of fact it said exactly the reverse of that.

Mr. Goyena explained that when the ordinary pressure at which a boiler works is six atmospheres, then three additional atmospheres should be enough to make a hydrostatic test, and in case it was seven or eight atmospheres it should not be one-half of seven or eight, but three additional atmospheres should also be sufficient for making the test.

Mr. Weeks stated that there had always been a rule in the United States that a boiler that is allowed 100 pounds working pressure is subject to a hydrostatic pressure of 150 pounds. If it was allowed 150 pounds, the hydrostatic pressure would be 225, and so on.

Mr. Goyena explained that what he proposed was that when boilers are new the test should be double pressure, but that if the ordinary working pressure is more than six atmospheres, or ninety pounds, which is the same thing, the increased pressure for making the test should be not more than six atmospheres; and if the boiler shall have undergone some repairs, the test should not be more than 50 per cent additional, or if the boiler works ordinarily at six or more atmospheres the test made after repairs should in no case exceed three additional atmospheres over the ordinary working pressure of the boiler.

The President thereupon requested Mr. Goyena to put his proposed amendments with regard to sections 18 to 22 in concrete form, which he promised to do.

The President also requested Mr. Weeks to consult with the board that originally drafted the law, with respect to section 18.

On motion by the President, the committee then rose, the hour being 12 o'clock and 30 minutes postmeridian.

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

TUESDAY, DECEMBER 3, 1907.¹

SUBJECT: Proposition made by H. M. Evans for the establishment of an Agricultural Bank in the Philippine Islands.

The PRESIDENT. Gentlemen, I have received from H. M. Evans a proposition for the establishment of an agricultural bank in the Philippine Islands. The conditions imposed by him in this proposition it appears to the Commission (I think that all of the members are agreed in this view) are altogether too extreme. The proposition as made appears to the Commission to be one for the investment of capital without any danger whatever of losing it, and to require the Government to do all the work, the bank to do nothing except collect its interest. Nevertheless, the Commission was loath to take any definite steps in the matter without consulting with the Committee on Agriculture of the Assembly, in the hope that we might decide on some proposition as a result of our conference which might be accepted by Mr. Evans.

I have spoken with Mr. Evans since he put in his proposition and he has told me that he would be willing to omit the guaranty on both principal and interest if he could get a concession along the other lines, but that would give us no guaranty of an agricultural bank.

We desired also to ascertain what would be the attitude of the Committee on Agriculture of the Assembly as to some other form

¹ Also see regular Journal of this date.

of establishing an agricultural bank and rejecting this proposition in its entirety. The Commission did not feel that they ought to proceed to the extreme of wholly rejecting the proposition unless they had something better to offer, or as long as there was some hope of having the conditions imposed by Mr. Evans modified.

Have the gentlemen of the Committee on Agriculture received copies of this proposition?

Mr. RODRIGUEZ. Yes, sir.

The PRESIDENT. Translated?

Mr. RODRIGUEZ. Yes, sir.

Commissioner WORCESTER. Mr. President, I suppose you have some information from your conversation with Mr. Evans to the effect that he proposes to establish an agricultural bank, but I find nothing in his proposition which would justify such belief. His request is for a charter for a bank, the name to be "First National Bank," to do a general banking, trust, safety deposit, brokerage and commission, bonding, mortgage, security, and loan business. There is not a word in it about agriculture, from beginning to end.

Commissioner FORBES. And also, Mr. President, I desire to say that I talked with Mr. Evans myself, and he stated that the agricultural feature of the thing did not interest him nearly so much as making loans on municipal properties. That is where he thought money could be made. My judgment is that his proposition is to make use of our desire for an agricultural bank to secure from us a favorable charter for a bank to make loans at a high rate of interest to people owning city property.

Commissioner WORCESTER. I suppose the only authority we would have for guaranteeing even the interest, to say nothing of the principal, in a venture of this sort, is that extended by the Act of Congress on the subject of an agricultural bank, and that Act provides, among other things, that "the bank shall not grant loans except to those engaged in agriculture, and with the sole purpose of assisting agriculture in the Philippine Islands," and Mr. Evans asks here to be allowed to do a general loan business, notwithstanding this explicit provision limiting the loans which the bank can make.

The PRESIDENT. There could be no guaranty given by this Government of any kind or character except for a purely agricultural bank. I explained to Mr. Evans that so far as the guaranty of

interest was concerned it was absolutely provided in the Act of Congress that it could apply only to an agricultural bank.

Commissioner WORCESTER. It seems to me that the Act of Congress contains a provision which would go pretty flatly against this proposition of Mr. Evans to guarantee the capital of the bank. The proviso at the end of section 2 reads: "*Provided*, That nothing in this section shall be interpreted as a guaranty on the part of the Philippine Government to the stockholders of the bank of the par value of the bank's cash paid-up capital stock when the bank shall go into liquidation."

Not only is there a lack of authority to guarantee anything but the interest, but there is that which prohibits the guaranteeing of the stock in the bank.

The PRESIDENT. I pointed that out to Mr. Evans.

Now, gentlemen, of course Mr. Evans is entitled to an answer, and the first question to be determined by the committees to this conference is whether we will consider this proposition at all or whether we shall make a counter-proposition to him.

Mr. CORRALES (of the Committee on Agriculture). We have considered this proposition among ourselves, and we have empowered the chairman of the committee, Mr. Rodriguez, to set forth to the Commission our ideas upon the subject.

Mr. RODRIGUEZ (chairman of the Committee on Agriculture). As the proposition which has been submitted by Mr. Evans is simply a petition for a concession to be made of a bank and does not refer to the subject of agriculture, this committee is of the opinion that the subject lies wholly without its jurisdiction, and that it should be referred either to a committee on banking or to a committee on privileges and concessions. From a reading of the petition presented by Mr. Evans it appears that it does not deal with the subject of an agricultural bank. However, though the petition of Mr. Evans appears to refer simply to a concession for a national bank, there is one part of it which refers to mortgages and which may perhaps indicate that it has some reference to an agricultural banking institution. If so, we would suggest that Mr. Evans set forth his ideas on the subject and amplify this section, which seems to have a bearing upon an agricultural bank.

Mr. GONZALES (of the Committee on Agriculture). When we considered the matter yesterday afternoon, we came to the

conclusion that it would be best to reject this proposition of Mr. Evans entirely, as it does not seem to bear upon the subject of an agricultural bank, and that we would not consider his proposition until it was submitted in such form as to bring it within the scope of a proposition for an agricultural bank.

The PRESIDENT. That was largely the idea of the Commission, but we did not desire to take any definite steps toward refusing the proposition without consultation with the Committee on Agriculture of the Assembly.

As we seem to be one on the proposition, I suppose we might just as well notify Mr. Evans that, considering his proposition in its present form, we would not be disposed to grant the concession, first, because there is no guaranty whatever in his proposition that any part of the capital of the bank would be invested in agricultural loans, and second, because the law of Congress requires that an agricultural bank shall not enter into any other class of the banking business. If that answer to him will meet with your approval, gentlemen, we will send it.

Mr. RODRIGUEZ. We agree to that, sir.

Mr. CORRALES. We are thoroughly in accord with the view which you have just announced with regard to Mr. Evans's proposition, as it appears simply to call for a great many concessions on the part of the Government.

The PRESIDENT. Really, in requesting this conference, we desired that the representatives in the Assembly would understand just exactly what his proposition was, so that no idea should get abroad that we had hastily and without due consideration rejected a proposition which might have eventuated in the establishment of an agricultural bank, because if this proposition were rejected by the Commission of course that would end the matter just the same as if the proposition were brought up and rejected in the Assembly.

Mr. RODRIGUEZ. I suggest that a joint resolution might be taken upon the proposition.

Mr. GONZALES. The principal reason that the Committee on Agriculture rejected the proposition yesterday was that it does not meet the needs of the country in any way.

The PRESIDENT. That is the idea of the Commission, and fur-

ther the Act of Congress absolutely prohibits a bank of that kind from entering into any other kind of business than that of an agricultural bank.

I propose the following resolution:

Resolved by the Philippine Commission as in Committee of the Whole and the Committee on Agriculture of the Philippine Assembly, sitting in conference, That it is the sense of the said committees that the proposition submitted by Mr. H. M. Evans must be rejected, first, because there is no guaranty that any of the funds of the bank as proposed would be loaned on agricultural property; second, because the Act of Congress approved March fourth, nineteen hundred and seven, providing for the establishment of an agricultural bank in the Philippine Islands, prohibits an agricultural bank whose income is guaranteed by the Government from entering into any other class of the banking business; and third, because the proposition of Mr. Evans would not meet the needs of the country, which require the establishment of a purely agricultural bank, which shall dedicate its funds solely to the relief of agriculture by making loans on agricultural property.

If there is no objection, the Secretary will read the proposed resolution as recorded by him.

The resolution as above was thereupon read by the Secretary.

THE PRESIDENT. The resolution is now before the committees and any motion with regard thereto is in order. Do I hear any proposed amendments?

Hearing no motions, the President stated the question to be on the adoption of the resolution by both committees as read by the Secretary.

The resolution was thereupon unanimously adopted.

The committee then rose.

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

WEDNESDAY, DECEMBER 4, 1907.

SUBJECT: Proposed Steamboat Inspection Law.

The President asked Mr. Weeks if he had prepared an amendment to section 18; and if so, to read it. Mr. Weeks read a rough draft of his proposed amendment as follows:

All boilers used in steam vessels shall be subject to an annual test of hydrostatic pressure of one and one-half times the working pressure allowed, and all new boilers intended for use in the Philippine Islands, whether manufactured in the Islands or elsewhere, shall be inspected, tested, and stamped according to the rules and regulations prescribed by the Insular Collector of Customs, the Board of Supervising Inspectors of the United States, the British Board of Trade, British Lloyds, Bureau Veritas, or other recognized authority. No boiler or pipe or any of the connections therewith shall be approved which is made in whole or in part of bad material or is unsafe in its form or dangerous from defective workmanship, accident, age, use, or other cause.

The President pointed out that the section as amended by Mr. Weeks defeated the whole purpose of the law, that of recognizing certain standard bureaus or boards, for the reason that the object in recognizing the inspection made by such bureaus or boards was to avoid a new inspection. It was the opinion of the President that if the boiler came from England, from the United States, or from Spain or Germany over the certificate of the British Board of Trade, British Lloyds, the Board of Supervising Inspectors of the United States, or the Bureau Veritas, with plates stamped as

having been inspected, the inspection of such bodies as to new boilers should be recognized; that Mr. Weeks, however, had provided in the section that all boilers shall be inspected according to the rules and regulations of these different bodies, and that he might just as well provide his own rules and regulations, for no time or expense would be saved by it, as the inspection is made here notwithstanding that one of the bodies mentioned has already made it.

Mr. Weeks explained that boilers in the Philippine Islands are reinspected; but the President thought that there was no necessity of it and asked why a new boiler coming here that has stood the test of the British Board of Trade, the British Lloyds, the Board of Supervising Inspectors of the United States, or the Bureau Veritas should be reinspected. He could see no reason whatever for mentioning these bodies unless their inspection was to be recognized. Mr. Weeks explained that what he meant to convey was that all boilers in use in steam vessels in the Philippine Islands must be inspected. The President thought that that was a different matter; that there are two classes of boilers, one that is imported here entirely new and bearing the marks of inspection by certain competent bodies recognized all over the world, and the other, boilers that have been in use. The President then submitted that the section might be worded as follows:

SEC. 18. All new boilers used in steam vessels shall hereafter be constructed of iron or steel plates, stamped according to the rules and regulations prescribed by the Insular Collector of Customs or by the Board of Supervising Inspectors of the United States, the British Board of Trade, British Lloyds, or the Bureau Veritas. All boilers now in service or which have been in service for one year shall be subject to the annual hydrostatic test of one and one-half times the working pressure. No boiler or pipe or any of the connections therewith shall be approved which is made in whole or in part of bad material or is unsafe in its form or dangerous from defective workmanship, accident, age, use, or other cause.

The President stated that he knew nothing about the pressure, whether it should be two to one in new boilers or one and one-half to one in old boilers. He simply put one and one-half to one in as a subject for discussion, but it seemed to him that the section as he had dictated it was the general plan on which it should be drawn.

Mr. Weeks then stated that new boilers arriving from foreign countries are usually tested by twice the working pressure before

they leave those countries and he saw no necessity of the inspectors here giving them the same test. The President thought therefore that such boilers ought to be allowed to be put into service and subsequently, after they had been in service the required length of time, whatever that might be, they should be again inspected. Mr. Weeks stated that that could be done very well unless the boiler had been damaged or strained in unloading it. The President thought that in such a case the fact of such damage or strain would certainly be determined by the owner, because he would make claim for it, and it would then be called to the attention of everybody. The President explained that what he contended was that the tests made by the bodies mentioned in the law should be recognized or should not be. If they are recognized, then the new boilers should be allowed to go into the vessels without additional inspection. Mr. Weeks thought that the amendment proposed by the President would cover the matter.

In answer to the President Mr. Weeks stated that the British Board of Trade and British Lloyds tested boilers by hydrostatic pressure; Mr. Goyena added that it was always necessary to test the boilers because even though the plates are stamped after the boiler is made, it is necessary to test it in order to see that they are well joined. The President then stated that after further consideration he thought he would have to redraft the section; that there were three things which were not covered by Mr. Weeks and which had not been properly covered in the amendment he had dictated; one was that it is the desire of the Government to accept the hydrostatic test and the marking of plates made by certain recognized bodies so that no further inspection shall be necessary as to new boilers; the second was that in the interest of manufacturers here the inspectors ought to be permitted to allow plates which have stood a certain test to be marked, and that all new boilers made in the Philippine Islands of iron or steel plates so marked should, after having been made, be subjected to a test of 2 to 1 or twice the working pressure; and the third was that boilers which are now in the service and all boilers which may have been in use more than one year shall be subjected to an annual hydrostatic test of one and one-half times the working pressure. If there was no objection the President stated he would have the section redrafted to cover this point.

Mr. Goyena suggested that the section might be drawn up on the following lines:

Every new boiler brought into the Philippine Islands for use on vessels which fail to show a certificate shall be submitted to the test prescribed by the United States Government here. If it shows a certificate of some nation or of some recognized body whose rules and regulations are in accordance with those of the United States Government here, it shall be free from examination until it shall have been used one year; and that every boiler which shall have been used one year shall be examined like all others.

Mr. Goyena thought that as the boiler is tested the test of the plates could be dispensed with, for the reason that should any of the plates be bad the defect would show up when the boiler is tested, and that at any rate whenever a boiler is repaired and a new plate used, although that plate be stamped, it is necessary to test the boiler in order to see whether the joints are tight, and such test would also show whether the plate itself was perfect, so that really what should be required is that the boilers coming from abroad should be stamped, and not the plates. The President thought there was something in that, but Mr. Weeks explained that that was already covered by section 21, which provides that such boilers arriving in the Philippine Islands shall have their plates stamped, and in such place that the stamp shall be visible after the plates have been worked into the boiler. The President stated that it seemed to him that that was unnecessary for the reason that if the plates stood a hydrostatic pressure of 2 to 1 in the boiler that was the end of it.

Mr. Weeks, however, explained that a boiler might stand a hydrostatic pressure of 2 to 1 where the tensile strength of one plate might be 45,000 and another plate 60,000. The President stated that it seemed to him that all that was necessary was to find out what pressure the boiler will stand. If it will stand a pressure of 2 to 1 it would seem to be a good boiler.

Mr. Millar pointed out that there was a very considerable difference in what are called boiler plates and ordinary steel plates. The hydrostatic test, he stated, might not necessarily show any weakness in the plate.

Mr. Weeks stated that the bursting pressure of a steam boiler of 100 pounds, allowing for a percentage of riveted seam, is 500 pounds. Under hydrostatic pressure of two to one that boiler would be tested to 200 pounds or to one-third of its actual bursting pressure. A

steel plate of 45,000 pounds tensile strength or an iron plate in that boiler would stand that test, but at the same time the factor of safety would be reduced from five, probably, to two, and in no country in the world are boilers allowed a factor under five.

Commissioner Worcester asked why it was not feasible instead of requiring that all plates be stamped to find out what is in them. The President explained that there are boilers which come into the Islands from other countries, such as the United States, Germany, Spain, and England, already manufactured, and the question was as to accepting those boilers without inspection provided they are stamped, and Mr. Goyena added, if they are accompanied by a certificate, even if they are not stamped. The President stated, however, that as a matter of fact the plates are always stamped, so that if a plate breaks, the owner of the vessel is able to trace it to the manufacturer. An owner, for instance, has a new boiler and in two, three, four, or five years he finds it necessary to remove a plate and he puts in a new plate of another manufacturer. Unless that plate is marked and stamped he can not tell what manufacturer is responsible for it. It is a protection to the owners of vessels likewise, because the instant a manufacturer knows that his plates are going into a boiler and he is likely to lose his commercial reputation through a defective plate he takes considerable care in making them.

The President then stated that sections 17 to 21, inclusive, should be revamped, and he asked Mr. Weeks to redraft them after conference with the board that prepared the original draft of the law.

Mr. Velo then read section 24 as follows:

SEC. 24. If in the opinion of the local inspectors it is necessary, one of the safety valves may be locked by them and taken wholly from the control of all persons engaged in navigating such vessels, and the control of the steam registers shall be taken from all such persons.

He proposed that this section be made applicable only to launches, because steamers of more than 50 tons burden generally carry licensed engineers.

The President submitted, however, that licensed engineers do not always do their duty, and in case of an explosion on board, the licensed engineer escapes responsibility by fooling with the safety valve, which should not be allowed. Continuing, he stated, take, for instance, those steamers on which the engineer gets a percentage

for reducing the time consumed, or where there is punishment inflicted for being behind time, he will sometimes try to increase the working pressure to the danger of the boiler and the vessel.

Mr. Weeks remarked that there was no steamer in the Philippine Islands that had not a licensed engineer.

Referring to the statement of the President just made, Mr. Velo was of the opinion that ordinarily licensed engineers would not do that, but it is possible that while navigating the pressure may go up to where it opens the valve and the engineer tries to close it again, but he can not do so because of some grit which might have gotten into it, and, as the inspector might have fastened that valve and the engineer is not permitted to touch it, it might continue open. Mr. Weeks pointed out that there was a rule on board ships in the United States to lock only one safety valve, each boiler having two. That prevents the engineer from permitting the steam to go up over the pressure allowed. The key is given to the master of the ship and when he can not shut the valve the key is turned over to the engineer. Mr. Velo stated that if the captain had the key and it was kept on board the ship it would be all right and he had no further objection to the section as it stood. Mr. Weeks explained that no keys of safety valves are kept except those of launches in Manila, seagoing vessels always being allowed to keep their keys. The President thought the section ought to be so amended that on seagoing vessels one key shall be retained by the inspector and one key shall be placed in charge of the captain, the use of which for the purpose of unlocking the valve may be authorized by the captain in cases of necessity, but on such occasions the fact must be noted in the log book, this for the reason that in case the inspector should decline to give the captain a key he would be in rather a bad fix in case of emergency. Continuing, the President stated: "There have been a great many explosions on board ships, due to the carelessness of engineers. Only the other day on the Cagayan River the engineer on board of a vessel was fooling with the safety valve and the boiler blew up. He was a licensed engineer, too. The explosion injured several people. As I said before, these provisions are not made for the best engineers, but for the most careless. If the key is left in charge of the captain on seagoing steamers, when the engineer finds it necessary to do something with the valve, then he can go to the captain and the captain will note in his log book the reason for turning over the key."

Referring back to section 23, Mr. Weeks stated that it was copied directly from the United States law and contained an antiquated provision with reference to low-water indicators. He believed this provision should be stricken out, for the reason that while that plan has been used for many years on Mississippi River boats it is not suitable for seagoing ships, which are fitted with water glasses and gauge cocks. Commissioner Worcester remarked that as he understood it the purpose of low-water indicators was to call attention to the condition of things when the engineer failed to examine his water glasses or to test his gauge cock. "Why," he asked, "is it not suitable for seagoing vessels?" Mr. Weeks replied that they are not automatic to begin with; that if they are in good order they are workable and if not in good order they will not work. He contended that a marine engineer has no excuse for allowing the water in his boiler to get too low, as there are water glasses and three gauge cocks on every boiler.

Mr. Millar further explained that the heavy rolling of the ship caused a low-water indicator to work unsatisfactorily, for the reason that the water level was continually changing, and the indicator was apt to give the alarm when it should not.

The President then suggested that the section be amended to read as follows:

SEC. 23. Every boiler shall be provided with good, well-constructed safety valves, and shall also be provided with a sufficient number of gauge cocks and water glasses for the purpose of determining when the water in the boiler falls below its prescribed limit; and in addition thereto a plug of good Banca tin shall be inserted, in a suitable manner, in the flues, crown sheet, or other parts of the boiler most exposed to the heat of the furnace when the water falls below its prescribed limits.

Mr. Velo questioned the necessity of a plug of Banca tin. He thought such engines have a sufficient number of attendants to see that the water does not get below the prescribed limits. In answer to Commissioner Worcester as to what objection, if any, there was to the plug of tin, Mr. Velo stated that it was very rare that the water would be allowed to get so low in a boiler. The President reminded Mr. Velo that it was those rare cases which cause the loss of life. Mr. Velo then stated that it often happened that this plug of tin burned out without the water having gotten below the limits. Mr. Weeks replied, however, that this was never liable to occur if the plug had been inspected by the supervising

inspector. He stated that they had a way of building plugs in Manila without any certificate as to where they were built and without submitting them for his inspection, and, of course, under such circumstances he could not guarantee that they would not blow out. In answer to the President he stated that these plugs blow out without the water getting down if not properly built. If built cone-shaped and properly inserted it would be impossible for it to blow out, for in that case the more pressure there is put on it the tighter it would wedge. Mr. Velo stated that it had happened here that plugs have fused without the water having fallen below the limits, and this while the vessel was in motion, making it necessary to put out the fire.

The President expressed some doubt as to the possibility of the plug fusing unless the water had fallen below the mark, because the temperature of the water would prevent it from heating, but Mr. Velo maintained that it had happened here. Mr. Weeks stated, however, that it must have been a very poor plug, and that he was certain that a plug which he had passed and recommended would not do it. Mr. Velo then stated that the person who made the plug thought it was of good metal but it turned out to be bad.

Mr. Weeks stated that the Banca tin mentioned in the law fuses at 475° and that 150 pounds of steam was only about 230° . Mr. Velo still insisted that it was very advisable that this plug be used on launches, but not on seagoing vessels, as the engineers on the latter are much more careful than those on launches. The President disagreed with him that engineers on large steamers are always so careful as to avoid accidents. Continuing, he said, "We have had some very fine captains run large vessels on rocks in broad daylight. We have also had very fine engineers neglect their boilers and allow the water to run down below the prescribed limits, with a consequent explosion. This has happened in all countries. An engineer, for instance, is not feeling well, or he is distracted or worried about something and fails to think about the water in the boiler. It runs down below the proper point and we have an explosion. Let me call your attention to the fact also, Mr. Velo, that we have engineers on railroad trains whose very lives depend upon their care in obeying orders, and yet we find that these engineers actually disobey their orders, sacrificing their own lives and those of the passengers in a moment of abstraction. So often had this occurred, that in the United States, and I think in

England, they have adopted what is known as the block system, which mechanically operates to prevent accidents. Take, for instance, the telegraph operator who regulates the movement of trains where there is a single track; experience has shown that one of these operators will go on for ten, fifteen, or even twenty years without making a mistake, and finally, in a moment of abstraction, will make a mistake which causes the loss of hundreds of lives and injures and maims many persons. I think that the consensus of opinion now among the ablest people in the world who deal with the question of accidents on railway trains or on steamers is that the mechanical contrivance which will operate to prevent accidents is more reliable than judgment, provided that that mechanical contrivance has been proven certain in its operation. For instance, you will find that the railway people put in a bar that lowers and prevents people from crossing the tracks when a train is approaching, and this contrivance is found more reliable than the judgment of a man on guard to warn people off the tracks."

Section 26 was then read as follows:

SEC. 26. Every seagoing steamer of one hundred tons gross burden or over carrying passengers for hire, the building of which shall be completed after the passage of this Act, shall have not less than three water-tight cross bulkheads, such bulkheads to reach to the main deck in single-decked vessels, otherwise to the deck next below the main deck; to be made of iron plates, sustained upon suitable framework, and properly secured to the hull of the vessel.

All passenger steamers heretofore supplied with three wooden water-tight bulkheads shall have the same replaced by iron bulkheads when such bulkhead is found in need of repair at the annual inspection to the extent of at least twenty-five per centum of the original construction: *Provided, however,* That more suitable material than iron may be used, when authorized by the local inspector, in writing, pursuant to the regulations of the Insular Collector of Customs.

Mr. Weeks recommended that the words "of one hundred tons gross burden or over," in lines 3 and 4, be stricken out, but the President stated that he could see no reason for that, as smaller vessels are not passenger vessels and with those bulkheads they can not carry any freight. Mr. Weeks differed with this view, however, and stated that the bulkheads prescribed would not interfere with the freight capacity of the boat in any manner. He pointed out that it was necessary to have a collision bulkhead, a

bulkhead at the head of the boilers, and a bulkhead at the engine room to prevent the cargo from getting into the machinery.

In answer to the President, Mr. Llansó stated that he agreed to three bulkheads in seagoing vessels, but that he could not agree to having steel or iron bulkheads built in wooden ships, because such bulkheads are not water-tight even though they are so called. Mr. Weeks, however, maintained that they were sufficiently water-tight to prevent a rush of water into the main hold of the ship, which would cause her to sink in two minutes. Mr. Llansó replied that a bulkhead of iron or steel would not be any more water-tight than one made of wood. Mr. Weeks then stated that a wooden bulkhead would be sufficient if properly built. The President agreed with Mr. Llansó that steamship owners should not be put to the expense of installing three steel bulkheads in a vessel when wooden bulkheads, if properly constructed, would serve all purposes, and, of course, it is the duty of the inspector to know whether or not they are properly constructed. Mr. Llansó further stated that it was his opinion that an iron bulkhead in a wooden vessel would work loose with the movement of the vessel in heavy weather, but Mr. Weeks added that the same thing would occur with wooden bulkheads. Mr. Llansó claimed, however, that a wooden bulkhead would not in such case cause damage to the hull and deck. Another thing, he explained, in case a wooden vessel strikes on a rock the bulkhead is useless, for while in an iron vessel the fracture in such case is localized, in a wooden vessel the injury becomes more serious, for it extends all along the seams of the vessel, she takes in water rapidly and goes down. This was particularly true of small vessels. As an instance of this he mentioned the *Adelante*, which struck and went down in two minutes. He agreed with the suggestion of the President that the bulkheads might be made of the same material of which the hull of the vessel was constructed, or rather of material of the same rigidity as the framework of the vessel, but that there should be a provision that if any owner desired to put in an iron bulkhead he may be permitted to do so. The President then suggested that the first paragraph of the section be amended to read as follows:

SEC. 26. Every seagoing steamer carrying passengers for hire, the building of which shall be completed after the passage of this Act, shall have not less than three water-tight cross bulkheads, such bulkheads to reach to

the main déck in single-decked vessels, otherwise to the deck next below the main deck; to be constructed of iron or steel plates or of the same material as the framework of the vessel.

Mr. Llansó stated that the Tabacalera Company had no ships which would be affected by this section, and he had discussed it only because he thought that in the interest of shipowners in general it should be changed.

Section 27 was then read as follows:

SEC. 27. Every vessel carrying passengers for hire, navigating lakes and rivers only, of more than five tons burden, shall carry at least one good, substantial life raft or lifeboat, kept in good condition at all times and ready for immediate use: *Provided*, That this section shall not apply to vessels navigating the Laguna de Bay nor to ferryboats, freight boats, canal boats, and towboats.

Mr. Weeks suggested that the section be stricken out, as he believed it to be in direct conflict with section 29. Commissioner Worcester thought there was nothing inconsistent between the two sections, section 27 referring to small boats navigating lakes and rivers only, which are not freight boats, ferryboats, canal boats, or towboats, and section 29 making special provision for what shall be carried by boats navigating the Laguna de Bay on account of the large number of passengers they have. His understanding was that more strict regulations as to life-saving apparatus were to be required of steamers navigating this lake. Mr. Llansó thought that for launches navigating the river only it was sufficient that they carry life-preservers, and the President agreed that the section as it stood appeared to be somewhat harsh, and that really on small boats life-preservers would seem to be all that were necessary. Mr. Weeks stated that that might be true if it were not for the fact that most launches plying the river also cross the lake, and some of these would escape from carrying anything but life-preservers if such a provision as that suggested was inserted in the law, and he added that Laguna de Bay was one of the most dangerous lakes in the Archipelago. Mr. Llansó stated that he did not know where the majority of vessels plying the river could put rafts and boats; that his company had a number of launches of 22 or 23 tons burden and there was no place on these launches to put them.

In answer to the President, Mr. Weeks stated that the tonnage of the Yango boats plying the Pasig River runs up to 150 tons,

and the customs' largest launch was 39 tons. He referred to one launch, the *New York*, 22 or 23 tons burden, which runs up to the lake with from 10 to 50 passengers.

The President then stated that he thought passengers should have sense enough to take the larger steamers, and suggested that the words "five tons" in section 27, line 22, page 13, be changed to read "twenty tons," striking out the proviso at the end of the section.

Mr. Weeks thought that all launches plying the river should be compelled to tow a small boat, the object of the law being to prevent loss of life.

In answer to the President as to whether the launches of his company could not carry a boat, Mr. Llansó answered that they could not carry a raft except on top of the canvas, and that this is made of just sufficient height to allow launches to go under the bridges at high tide and that the launches of greater depth have to have their canvases so low in order to go under the Bridge of Spain that persons can hardly stand up under them; and further, he stated that such a boat or raft as could be carried by a launch would only serve four or six persons and would be practically worthless to a launch carrying 40 or 50 passengers. Mr. Weeks suggested that the thing to do was to stop the launches from carrying passengers, but the President reminded him that there were pleasure parties who hire launches to go up the river; these parties take upon themselves whatever risk there was in it, he thought.

Commissioner Legarda was of the opinion that the owners of launches should notify passengers that they do not carry means of saving life in case of accident. Mr. Llansó stated that a number of life-jackets could be carried very well, because they occupy but little space. Mr. Weeks insisted, however, that if it was impossible for them to carry a boat they should tow one. Commissioner Worcester agreed with him that it would not be a bad plan to have a boat along anyway. Continuing, Mr. Weeks said, "We had in Laguna de Bay, only two or three years ago, a launch of 50 tons burden loaded with passengers. She went ashore close to the beach and when she grounded there was not a boat or life raft available to save the passengers. She had only life-preservers. If I remember correctly she caught fire and the consequence was that a number of passengers were drowned, among whom were several ladies, whereas if they had had a small boat along they could have taken

those ladies ashore and saved their lives." According to that, Mr. Llansó suggested, the life-jackets were worth nothing. It seemed to him that a person who could manage to keep afloat for a few hours in Laguna de Bay would be rescued, because there is considerable movement on the lake; that it would not be like one adrift at sea where he might die of hunger or thirst or exhaustion before assistance was at hand.

Commissioner Worcester remarked that on last Sunday night while with a launch party on Laguna de Bay the launch grounded and they had no boat or anything else by means of which they could get into communication with the shore, and that if a blow had come up the launch would have gone to pieces.

With reference to a remark of Mr. Llansó that if a launch was required to tow a boat which would take off all her passengers in case of accident it would be necessary to fit that boat with machinery also, Commissioner Worcester stated that he did not believe it necessary that small launches should be required to carry a boat which would accommodate all their passengers, but a small boat to allow them at least to get into communication with the shore. To send them up to Laguna de Bay without a boat of any kind he regarded as dangerous business.

The President explained to Mr. Llansó that the towing of a small boat was simply to furnish additional security in case of an accident; that many times if a boat is aground there is no danger whatever if there be no storm, but that if a storm arises there is a pressing necessity to get out; and that a small boat might bring some passengers to shore and at the same time look for aid.

In answer to a remark of Mr. Weeks, the President stated that it would be absolutely useless to have any boat in a heavy sea other than a boat such as Mr. Llansó had mentioned, a boat so large that it would be necessary to fit her with machinery in order to handle her.

Mr. Weeks thought that this was not necessarily so; that an ordinary cargo boat, 22 or 24 feet long, could be handled with oars. Such a boat, he remarked, is large enough to carry machinery, but it is not necessary to put it in. He stated that his argument was that these launches carry passengers for hire and should have boats; that if anyone wants to hire a launch to take a trip the law does not cover that. Commissioner Worcester thought the law did

cover it, because it is provided that all steamers navigating the Laguna de Bay shall carry such number of lifeboats, life-rafts, life-preservers, and drags as will amply secure the safety of persons aboard such vessels, in case of disaster.

The President stated that his idea was that as provision is made for steamers navigating Laguna de Bay, which is probably the most perilous lake in the Archipelago, the carrying of life-preservers in vessels of, say, 10 tons burden or less would be sufficient.

Mr. Weeks suggested that it be made 20 tons or less.

Mr. Llansó then asked if the idea was that those of more than 20 tons would have to carry a raft or boat, explaining that the majority of the launches plying the river are 20 to 40 tons burden, and in answer to the President as to whether they carried passengers he stated that they did in some cases, and Mr. Millar added that they carried passengers to and from the bay in most instances, communicating with the towns on the river.

Mr. Llansó then asked if the word "gulf" could not be included with lakes and rivers in section 27.

The President replied that it could not, for the reason that "gulfs" were included in section 29.

The President then read section 28, as follows:

Every vessel carrying passengers for hire shall be provided with a good life-preserver made of suitable material for every passenger which the inspector's certificate shall allow her to carry, including the officers and crew; which life-preservers shall be kept in plainly marked, convenient, and accessible places on such vessel in readiness for immediate use in case of accident.

He stated that under this section the little bancas carrying passengers across the Pasig River would be compelled to carry life-preservers. He suggested that this section be amended to read as follows:

Every vessel of five tons burden or over shall be provided with a good life-preserver, made of suitable material, for every passenger which the inspector's certificate shall allow her to carry, including the officers and crew; which life-preservers shall be kept in plainly marked, convenient and accessible places on such vessel, in readiness for immediate use in case of accident: *Provided, however,* That vessels navigating Laguna de Bay, of more than five tons burden and not exceeding twenty tons burden, shall be obliged to carry a small boat, in addition to a suitable number of life-preservers for the passengers and crew.

Mr. Llansó then asked as to boats of over 20 tons, and the President replied that he supposed that in addition to life-preservers they would have to have rafts or life boats.

Mr. Weeks then recommended that section 28 be left as it is, and if a steamer wanted to go to Laguna de Bay she be required to have the life-saving apparatus prescribed.

The President remarked that it was particularly necessary to cover Laguna de Bay with reference to these regulations as to life-saving apparatus to be carried, because while there might be some question as to what should be required in this respect from vessels navigating this lake, there can be no question in the minds of anybody that a boat sailing the high seas should not be allowed to leave port unless provided with means to insure the reasonable safety of passengers. He then suggested that the proviso already dictated to section 28 be changed to read as follows:

Provided, however, That vessels carrying passengers for hire on the Laguna de Bay shall carry such life-saving apparatus as may be prescribed by the Collector of Customs.

Referring to section 29, Mr. Llansó asked that the word "drags" be stricken out.

Mr. Weeks explained that the purpose of a drag was to hold the vessel's head to the sea in a heavy gale of wind, and that it was made of canvas.

Mr. Llansó explained that large vessels carry such a drag, called a "sea anchor." A canvas drag, he maintained, would be useful only for small vessels.

Mr. Weeks, however, contended that a canvas drag could be used on a large vessel and that the United States regulations stipulate how it shall be made. A ship at sea, he explained, with her engine broken down, must have some way to hold her head to the wind.

Mr. Llansó stated that he had never heard of such drags on large vessels, and he asked what anchor could hold a ship of 10,000 tons in a gale.

Mr. Weeks stated that he had been on board a ship of 6,000 tons on which they used a sea anchor; and the President explained that, as he understood it, this anchor did not hold the vessel but simply kept her head to the sea, and that some of these drags were made of metal also.

Mr. Llansó stated that he believed the majority of sailors would use nothing else than oil for a ship of large tonnage, but Mr. Weeks

explained that that was only to prevent the sea from breaking over the vessel. Mr. Weeks stated further that he considered a drag a life-saving apparatus. The President thought that in that case the engine might be considered a life-saving apparatus also, but Commissioner Worcester pointed out that a drag was something to be used in case of accident to hold the ship's head to the sea, and it seemed to him it should be carried, but the President remarked that there are many other things used on board ships that are considered as equipment and not life-saving apparatus. Commissioner Worcester thought that pumps might be ruled out on that understanding.

Mr. Millar suggested that in case of necessity a drag could be improvised on board, by using ship's awnings or sails, but Commissioner Worcester called attention to the fact that it would take time and somebody who knew how to do it, and that there are times at sea when there is little opportunity for improvising.

The President then stated that the drag would be a very inexpensive thing and should be left in the law. The President then suggested that the section be amended to read as follows:

Every vessel navigating sounds, straits, gulfs, bays, or other arms of the sea, or the high seas of the Philippine Islands, shall be provided with such number of lifeboats, rafts, life-preservers, and drags as will amply secure the safety of all persons on board such vessel in case of disaster. Vessels required to carry lifeboats shall be provided with suitable disengaging apparatus, so arranged as to allow such boats to be safely and promptly lowered and disengaged while such vessels are under way. The owner of any steamer who neglects or refuses to provide such lifeboats, floats, rafts, life-preservers, drags, pumps, or appliances as are required by this Act shall be punished by a fine not exceeding five thousand pesos, or by imprisonment not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

Mr. Goyena asked if it could not be provided that the Insular Collector of Customs should prescribe for each vessel, after hearing the interested parties—that is, the owners of the vessel—as to what life-saving apparatus should be carried.

The President stated that it was his duty to do that now, and in case he did not do it an appeal might be taken to the Secretary of Finance and Justice, or the Governor-General, as the case might be.

Mr. Goyena then stated that if the matter was going to be left to the sole opinion of the Collector of Customs, every time the

Collector was changed the new officer might have a different opinion and require different apparatus, but the President reminded him that there was always somebody over the Collector, and besides he called attention to the fact that in the law this matter is left to the owner, and if he failed to do his duty by placing the required apparatus on board he would be punished by the courts. The Collector of Customs had nothing to do with it. Mr. Goyena called attention to the proviso in section 29 under which the Collector might require a sailing vessel to carry life-saving apparatus.

The President stated that if he thought it best, the word "steamer" might be substituted by the word "vessel," striking out the proviso altogether.

Mr. Weeks asked how about freight ships, with respect to life-saving apparatus, and explained that in the United States freight ships, as well as passenger ships, must have life-saving apparatus.

The President thought that that was one of the risks of the business—that is, a man going aboard a freight ship knows what he risks—but Commissioner Worcester was of the opinion that the owners ought to have the responsibility in those things, for the reason that people could be found who had nobody to care for them and who had to go on a ship to make a living. He thought such people should be protected.

Mr. Llansó stated that he thought freight ships, as well as passenger vessels, should be required to carry life-saving apparatus.

Section 31 was then read as follows:

The captain or mate of every steam vessel carrying passengers for hire upon the main deck shall assign to all deck passengers when taking passage the space on deck they may occupy during the voyage, and such space shall not thereafter be occupied by freight nor overcrowded by other persons nor shall freight be stowed about the boilers or machinery in such a manner as to obstruct or prevent the engineer from readily attending to his duties.

Mr. Llansó thought the first part of the section should be stricken out, as it would be impracticable to assign deck space to each passenger.

(The interpreter called attention to the fact that this was a mistake in translation; that while the English text required only that the captain should designate the space which should be occupied by all passengers who have deck passage, the Spanish provides that he shall designate the space for each passenger. The Secretary was directed to have this corrected.)

The President thought as the section stood it discriminated against steamers; he thought sailing vessels should be included also.

Mr. Weeks agreed with him, and the word "steam," in the first line, was ordered stricken out.

Section 33 was then read, as follows:

Every steamer carrying passengers for hire shall be provided with wire tiller ropes or iron rods or chains for the purpose of steering and navigating the vessel and shall employ wire bell pulls for signaling the engineer from the pilot house, together with tubes of proper size so arranged as to return the sound of the engine bells to the pilot house, or other arrangement to repeat back the signal.

Mr. Goyena stated that wire bell pulls were all very well for large vessels, but that some vessels of small size did not need this arrangement for returning the sound of the engine bells to the pilot house, for the reason that the size of the vessel makes it possible for the bell to be heard plainly. He suggested that it be provided that vessels having no bridge shall not be required to have this complicated device.

Mr. Weeks stated that the tube referred to was a signal tube, to be used in case of emergency by the captain to the engineer.

Mr. Goyena, however, pointed out that it was not so expressed in the section.

The President then suggested that the section be made to read as follows:

SEC. 33. Every vessel shall be provided with wire tiller ropes or iron rods or chains for the purpose of steering and navigating the vessel, and in case of steam vessels shall employ wire bell pulls for signaling the engineer from the pilot house, together with speaking tubes or other apparatus to repeat back signals made to the engineer.

The President then stated that it was evident that the bill could not be read through to-day, and suggested that if satisfactory to the gentlemen present he would make a motion to the Commission that the continuation of the discussion be made a special order for Saturday, December 7, 1907, at 9 o'clock antemeridian.¹

No objections were heard.

The committee then rose.

WM. H. DONOVAN, *Secretary*.

¹ See consideration of special order, pp. 111, 112, and C. R. No. 18, p. 115.

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

FRIDAY, DECEMBER 13, 1907.

SUBJECT: Time of departure of Resident Commissioners for the United States.

The PRESIDENT. We are ready to hear any suggestions as to the time of departure of the Resident Commissioners for the United States.

Mr. FELIPE AGONCILLO (chairman of the Assembly Committee on Relations with the Sovereign Government). It is my opinion that the departure of the Resident Commissioners should be delayed until the 28th instant, in order that we may have time to give them proper instructions.

Mr. QUEZON. Since the committee of the Assembly took up the consideration of the matter it has been informed that one of the Commissioners will be ready to sail on the 18th of this month, but as it appears inadvisable that one should go without the other the committee desires to know when both can go together.

The PRESIDENT. That is one of the propositions to be discussed at this conference. I have learned that Mr. Ocampo will be ready to sail on the 18th, but Mr. Legarda will be unable to sail on that date, as his presence is required here to make a quorum of the Commission during the illness of Commissioner Worcester and the absence of Commissioner Shuster. However, we have decided to telegraph to Mr. Shuster to return to Manila as soon as possible, in order to make a quorum. By reason of this lack of a quorum, I informed Mr. Legarda that it would be impossible for him to sail on the 18th, and he has therefore made no preparations for departure by that date.

Commissioner FORBES. Mr. President, I would like to ask what plans, if any, have been made by the Assembly for the Christmas week, because if Commissioner Shuster should be telegraphed for it would take three or four days for him to get here from the southern islands and it is less than two weeks to Christmas time, when it is likely that there will be no meetings for a few days, so that his return here would provide a quorum for not more than a few days' work.

The PRESIDENT. Has any resolution been adopted by the Assembly with regard to the suspension of meetings during the Christmas week?

Mr. QUEZON. No, sir.

Mr. SINGSON. However, the plan has been suggested among the members of suspending the sessions of the Assembly for ten days.

Commissioner TAVERA. From what date?

Mr. SINGSON. From the 24th of December. No resolution has been adopted with reference to the matter, but it seems to be the general opinion of the members of the Assembly that the sessions should be suspended for a time.

Mr. PALMA. But if we should take a ten or twenty days' vacation it would be necessary then to extend the ninety-day period of the regular session.

The PRESIDENT. This session will be carried over until about the 4th day of February, and according to the Act of Congress the ordinary session of the Assembly for the year 1908 will begin on the first Monday of February. Therefore, if twenty days' vacation were taken at Christmas time, and were added at the end of the session, this session would extend over into the session period of 1908, and inasmuch as such overlap would be in violation of the Act of Congress, which prescribes that the session for 1908 shall begin on the first Monday of February, that overlap would have to be subtracted from the present session. This might be obviated by having Congress change the date for the opening of the regular session of the Assembly from the first Monday of February, say, to some time in the month of November or December, during the cool season. This could be done at the present time, as Congress is in session, and I could telegraph the recommendation to Washington. Of course, this matter is in the hands of the Assembly; at least, the Commission has no particular choice in it.

Commissioner FORBES. I would like to call attention to the fact that a suspension of the sessions during the Christmas holidays would not mean an extension of ten days of the ordinary session, as there would be four holidays included in the ten days' vacation, so that only a six days' extension would be necessary.

Mr. AGONCILLO. It appears to me that these six days may be taken without interfering with the ninety calendar days' session.

Mr. QUEZON. The ordinary session is for ninety days, exclusive of Sundays and holidays.

Mr. PALMA. This question could be settled by having Congress adopt a resolution empowering the Governor-General to postpone the time for the opening of the regular session of the Assembly to another date whenever circumstances make it impossible or inconvenient for the Assembly to meet on the day fixed by law.

Mr. SINGSON. It seems to me that this committee can take no action on the question of the date of the opening of the regular session of the Assembly. Any action which may be taken will have to be decided upon by vote of the Assembly.

The PRESIDENT. The Legislature should decide this point as to whether it is advisable to amend the Act of Congress so as to provide for the opening of the regular session of the Assembly at another time of the year.

Mr. AGONCILLO. The law should be so amended as to empower the Governor-General to call the regular sessions of the Assembly in the same manner as he has now the power to convoke special sessions of that body. However, this is a question which must be submitted for action by the Assembly. We, as a committee, of course have no power to make recommendations in this matter without the consent of the Assembly.

The PRESIDENT. Of course, this question of the length of the session of the Assembly affects in some measure the question we have before us, but as we can not resolve the question as to the postponement of the date of the opening of the next session of the Assembly I suppose we will have to confine ourselves now to the question of the date on which the Resident Commissioners ought to leave for the United States.

Mr. QUEZON. That is the principal subject for discussion.

The PRESIDENT. I want you gentlemen to understand exactly the situation. Mr. Legarda has been led to believe that his services

could not be spared, and consequently he has made no preparations, and it will be extremely difficult, if not impossible, for him to go next Tuesday.

Mr. AGONCILLO. In this connection I should like to make known to the Commission that the Assembly has already considered a resolution providing that the Resident Commissioners to Washington shall leave the Islands prior to December 30, 1907.

The PRESIDENT. The resolution of the Assembly says that they shall leave prior to the 30th day of December, but that we shall fix the date.

(The message of the Assembly embodying the resolution referred to was thereupon read, in Spanish, by the interpreter.)

Mr. AGONCILLO. Will Commissioner Legarda leave here on the 28th—that is, prior to the 30th of December—in order that he may connect with the steamer at Hongkong?

Commissioner LEGARDA. If I am to leave before the 30th I will have to leave on the 24th, in order to catch the steamer at Hongkong.

The PRESIDENT. Is there a steamer sailing from here for America on the 28th?

(The interpreter read, in Spanish, the Pacific Mail Steamship schedule, as printed in the *Cablenews-American*.)

Commissioner FORBES. The *Hongkong-Maru* sails on January 3.

Commissioner LEGARDA. But that is a small boat. I should prefer to sail on a larger vessel.

Commissioner LUZURIAGA. I should like to inquire whether the Resident Commissioners to Washington have been furnished with all the necessary data with respect to the amendment of the tariff on sugar and tobacco. In order that they may be able to conduct an intelligent campaign in Washington it is very important that they should have this information before they leave the Islands.

Mr. QUEZON. I should like to say that prior to the date of their departure, the date which we have been discussing, the Assembly will have furnished the Resident Commissioners to Washington with their instructions, and, in addition to this, the Committee on Political Relations with the Sovereign Government will also have gathered such information as may be useful and will furnish the Commissioners with additional data and instructions. However, I should think that they themselves should gather all the information possible, in order to be well equipped to appear before the Senate and House committees.

Commissioner LEGARDA. For my part, I do not know whether I am now sufficiently equipped, as regards data and facts, to be able to answer all questions of a technical character which may be propounded to me in Washington. I remember that some three years ago Mr. Determan went to Washington and appeared before the Senate committee. He was exceedingly well furnished with information regarding the tobacco industry in these Islands, he himself being interested in the La Yebana Cigar Factory and having extensive tracts of tobacco lands in these Islands; and yet, notwithstanding the very valuable information which he was able to furnish in Washington, Congress did nothing with regard to the duty on these products. Now, as regards my information on sugar, I have the report of Mr. de la Rama, which was made before the investigating committee of Congress, and the report furnished by Mr. Taft on the same subject, and I apprehend that it will be necessary for me to gather a good deal of additional data in order to be able to furnish intelligent information in these investigations, which, owing to the fact that they are conducted by conflicting interests, are very searching in their character.

Mr. QUEZON. Does Mr. Luzuriaga imply by his inquiry that he makes a recommendation for the postponement of the date of the departure of the Resident Commissioners to Washington?

Mr. LUZURIAGA. Yes, sir.

Mr. QUEZON. I should like to insist upon the importance of the Resident Commissioners leaving the Philippine Islands as soon as possible, even if they are not thoroughly equipped with the information which they should have. Their presence in the United States is very important during the first days of January, as we have understood from information received from the Bureau of Insular Affairs that a bill having reference to the Dingley tariff will be introduced into Congress by that time. Now, if these gentlemen are not thoroughly equipped, so as to be able to defend or oppose the measure, as the case may be, they can have the date of this consideration postponed until such time as we have gathered such additional information as may be necessary. At all events, it is important that they be in Washington at the time the bill is brought up in the House, so that it may have stout defenders in persons who are cognizant of all the facts in the case.

Commissioner LEGARDA. I should like to say that the Resident Commissioners, even if they availed themselves of the quickest trans-

portation leaving this part of the world now, would not arrive at Washington by the time stated by Mr. Quezon; in fact, they could not arrive there before the end of January or beginning of February.

Mr. QUEZON. Well, every day's delay now will bring their arrival in Washington so much beyond the end of January or the beginning of February. I think, therefore, under any condition, that it is advisable that they leave the Islands as soon as possible, and moreover I think that they should not stay here until they are thoroughly equipped with all necessary information on the subject, but that they should depart for Washington without delay; and furthermore, I think that a cablegram from the Governor-General might have the effect of postponing the consideration of that bill by Congress until the time of the arrival of the Resident Commissioners from the Philippines.

The PRESIDENT. I think, honestly, that the consideration of the bill will not be reached before the middle of January and in all probability not before the 1st of February. Mr. Payne has introduced his bill and he himself has stated that the earliest date on which it may be considered in committee is the 6th of January. I would have considerable reluctance in recommending its postponement unless it could be postponed to such time that we are likely to get consideration of it at this session of Congress; and in the present situation, where we have probably forced the sugar interests at least to a point where they are now willing to compromise by allowing the free introduction of 400,000 tons of sugar, which is more than we produce, it might be of advantage to take them at their word, rather than await subsequent developments which might retire them from their compromise. Neither one of our Resident Commissioners, without fault of his own, can be so thoroughly equipped as to answer readily and accurately all questions that the lawyers on the other side are going to ask him. I feel certain of that. Our principal dependence will be upon Mr. Payne, who is friendly to us and who will map out the plan of campaign which will have to be carried on, because he is thoroughly experienced in these committee investigations and knows just how deeply they probe into questions before them, and Mr. Legarda has very well said that a man must be extraordinarily well equipped to meet the demands of the committee investigation; but I am quite certain, gentlemen, that that bill will not be reached

before the middle of January, and it is entirely possible that its consideration in committee will not be reached until the 1st of February.

(At the direction of the President, the interpreter then read, in Spanish, the following telegrams:)

WASHINGTON, November 8, 1907.

SMITH, *Manila*:

Payne states can not commence hearing Philippine tariff bill before week beginning January 6. He will urge committee to begin then.

McINTYRE.

MANILA, November 29, 1907.

SECWAR, *Washington*:

When will it be desirable for commissioners from the Philippine Islands to be in Washington to attend session of Congress?

SMITH.

WASHINGTON, November 30, 1907.

SMITH, *Manila*:

Referring to telegram from your office of the twenty-ninth instant, Commissioners, see my telegram November 8. Think they should be here at that time.

McINTYRE.

Mr. QUEZON. If I have understood you correctly, Mr. Governor-General, you are of the opinion that the Resident Commissioners should leave the Islands as soon as possible, for the reason that if they arrive at Washington not very well prepared they will have the assistance of Mr. Payne, who has undertaken to conduct the campaign.

The PRESIDENT. I believe there is nobody in the Philippine Islands, who should leave here, who could, without consultation with Mr. Payne, by any possibility, be prepared to answer all the questions which the lawyers on the other side, who have devoted months and months to the preparation of their case with the express purpose of entrapping our representatives, whoever they may be, may put to them. The one man who really understands all the "tricks of the trade" on this subject is the present chairman of the Committee on Insular Affairs in the House of Representatives, and he has acquired this information by the hard experience of three investigations.

Mr. QUEZON. So that the lack of preparation is not really an

obstacle, then, to the presence of the Commissioners there at the time the bill is presented.

The PRESIDENT. No; but at the same time it is very certain that they should prepare themselves all possible.

Mr. QUEZON. Of course.

The PRESIDENT. On what date does the first steamer leave?

Commissioner LEGARDA. The only two good steamers leaving for the United States are the *Mongolia* and the *Korea*. The *Mongolia* leaves on the 24th of this month and the *Korea* on the 18th of January. I am not prepared to take the smaller boats, because I am a very poor sailor.

The PRESIDENT. You will have to leave here on the 21st, then, to catch the *Mongolia* at Hongkong?

Commissioner LEGARDA. Yes, sir; I suppose so.

Mr. AGONCILLO. There can be no question about the advisability of their leaving at once, because if they are not there when the bill is presented to Congress it will lack a defender. It will be absolutely fatal to the interests of the Philippine Islands not to have some authorized representative there during the discussion of that bill. I recommend that the Resident Commissioners be directed to leave here in time to catch the steamer sailing from Hongkong on the 24th instant.

Mr. QUEZON. Commissioner Legarda says that if he does not go on the 24th he can not leave until the 18th of January, because he does not wish to travel on a small boat, as he is liable to seasickness.

Commissioner LEGARDA. That is so, and the question is, Can you prepare all this data for us in time to leave on the 24th?

Mr. AGONCILLO. Yes, sir. This data will be ready to submit to you on the 18th.

The PRESIDENT. They could leave on December 31 and catch the *Hongkong Maru*.

Commissioner TAVERA. That boat is too small. It is out of the question.

The PRESIDENT. I believe the 24th is better.

Mr. QUEZON. Commissioner Legarda does not want to go on the *Hongkong Maru*, because it is a bad boat.

The PRESIDENT. It is not a bad boat, but it is a much smaller one. The *America Maru* and the *Hongkong Maru*, I believe, are the same size.

Mr. QUEZON. I do not think we could compel the Commissioners to embark on a small boat in which there would be any danger in rough weather.

The PRESIDENT. Suppose we simply pass this resolution of the Assembly; it will not be necessary for us to fix the date for their departure.

Mr. QUEZON. If you agree to their going before December 30, that is all we ask.

The PRESIDENT. What do you think, Mr. Legarda?

Commissioner LEGARDA. If we can not leave Hongkong on the 24th of this month I think we ought to wait until January 17.

The PRESIDENT. I think the 17th of January is very late, because if you leave on that date you will not arrive in Washington until the middle of February, and then everything will be over.

Commissioner LEGARDA. Then we ought to leave on the 24th of this month.

Mr. AGONCILLO. The 24th from Hongkong is all right.

The PRESIDENT. The interpreter will now read some of the other proposed changes in the tariff, and if any gentleman desires to know the reasons for these changes they can be explained to him.

(The interpreter then read the following extracts from a memorandum prepared by the Secretary of the Commission for use of the Governor-General in writing up the annual report of the Commission:)

To repeal provision of tariff amendment of February, 1906, under (d), Rule B, Class IV, reading:

"Textiles having a false selvage on either one or both sides shall be considered as goods improved in condition and shall be liable, as the textile, to the duties leviable thereon, plus an additional surtax of one hundred per centum. This provision applies to all cotton fabrics.

"(NOTE.—By a false salvage shall be understood an edge obtained by cutting, ripping, tearing, or otherwise splitting the textile in the direction of the warp.)"

The PRESIDENT. I can explain the reason for this. The tariff was modified in the way mentioned in the provision just read, the net result of which has been no increase of revenues to the Government and a pronounced increase in price to the consumer. That modification of the bill was not based upon the recommendation of the Commission. Quite the contrary. The Commission called attention to what would be the probable effect of it as it was

finally passed and suggested another amendment which would have avoided the difficulty which subsequently arose. The result of this amendment was to exclude all English goods. Therefore, we are agreed here that they should adopt our original suggestion, and if the gentlemen of the Assembly are agreed we will repeat our recommendation in this particular.

That the rate of 5 per centum ad valorem provided by section 245 for certain machinery, agricultural, etc., which would tend to develop certain industries beneficial to the inhabitants of these Islands, be made applicable to mining machinery and apparatus, and reduction and smelting machinery and apparatus, in order to encourage and assist in the development of the mineral resources of the Islands.

The PRESIDENT. Now, if you wish to go a little further and recommend that all duties on this class of machinery and implements be taken off, this recommendation can be made, but Colonel Colton, the Collector of Customs, has promised to send me the result of the reduction which has already been made. This amendment has now been in force for more than a year, and we can have the result before us in considering this question of the removal of duties altogether.

(At this point the private secretary of the Governor-General appeared, with a communication from the Collector of Customs as follows, read in Spanish by the interpreter:)

Referring to your inquiry of yesterday by telephone, I beg to state that an investigation of the statistical records of this office with respect to agricultural machinery and apparatus imported under paragraph 245 of the Tariff of 1901, taking the year 1904 as a basis, discloses that the value of all kinds of agricultural machinery and implements, as well as sugar machinery, imported was \$27,538, and that the total duties paid thereon at the rate of 25 cents per hundred kilos amounted to \$480. These figures give an ad valorem rate of duty of 0.017 plus; that is to say, less than the rate of duty under the Tariff Law of 1905, which rate is 5 per cent ad valorem.

Of course, there are instances where certain pieces of machinery paid a higher rate of duty under the old tariff than they would have paid under the present tariff, but on the whole the present tariff is apparently higher than the Tariff of 1901 with respect to the articles in question.

The result of an inquiry of importers and dealers indicates that during the past eight or ten months there has been a general rise in the prices of all kinds of machinery of from 5 to 20 per cent. This is due to the increase in cost of production and materials. The principal increase in the retail price is therefore naturally due to the increase in wholesale price to the importers and merchants.

In view of the advance and changes in the first cost of agricultural machinery, no comparison can be readily made of the effects of the two tariffs upon the cost of machinery at retail to farmers, except as above.

(The interpreter then continued reading, in Spanish, the changes proposed.)

Admission free of duty of the materials for the construction and repair in the Philippine Islands of vessels of all kinds.

Mr. PALMA. What is the idea of that?

The PRESIDENT. The idea is this: Vessels now go to Hongkong and have their repairs made, because they get the materials there free of duty, and competition between Hongkong and Manila is unfavorable to Manila. As against this, Colonel Colton says that we ought to arrange this matter with considerable care, because otherwise certain kinds of materials which are used for other construction than vessels will come in free and enter into competition with duty-paid goods, so that we should be careful not to have this apply to materials other than those actually used in vessels. I suggest, therefore, that before the Assembly takes any action in this matter Colonel Colton be consulted.

Admission free of duty of all articles and materials for religious uses.

The PRESIDENT. With respect to this, the Commission has agreed not to recommend the adoption of any amendment other than the law in force in America. We believe that in this we should follow merely the laws of the United States. This question arose at the time Bishop Brent wanted to import an organ that cost some ten thousand dollars, but the duty was so much he could not bring it in.

That a provision be added to paragraph three hundred and eight that each and every gauge or wine liter of measurement of spirits dutiable under letter (a) shall be counted as at least one proof liter.

The PRESIDENT. Colonel Colton can explain to you the effect of the law in this respect.

To repeal section twenty-two (Act of nineteen hundred and five), providing that importations exceeding one hundred dollars in value shall be accompanied by a consular invoice, and so forth.

The PRESIDENT. This change is proposed to abolish the consular bill of lading, which is of no value whatever. For the Collector of Customs it is entirely useless, but nevertheless it imposes a large expense on the importer.

Readjustment of the duties on buttons, brass shanks, and rings for buttons, and shells in an unmanufactured state.

Mr. QUEZON. What is the object of that?

The PRESIDENT. To give life to the industry of the country, because shell buttons here can not compete very well with those from abroad. We are willing to recommend an increase in the duties, provided such action will not raise the price to the consumer. If there were two or three factories here the competition itself would regulate the price, but where there is only one factory there is danger of the price going up.

Commissioner TAVERA. It should not be a monopoly. The effect of the law might be to favor very much one or two factories, to the detriment of the interests of the public.

The PRESIDENT. I will furnish you all the recommendations that are proposed, but these we have just read are new, and were gotten together for your benefit and the benefit of the Commission.

Mr. QUEZON. Since the time is very short for us to get up this data, it would be very advisable to limit ourselves in these first instructions to the most urgent affairs, such as the Dingley tariff and to other questions of prime necessity.

The PRESIDENT. The most urgent should be taken along by the Resident Commissioners, we think.

Mr. QUEZON. Now, I have another matter I want to call attention to. The Act of Congress provides a salary of \$1,200 for secretaries of each of the Resident Commissioners, but in the case of Mr. Pablo Ocampo's secretary he will not only have to perform clerical duties but will have to perform technical duties as interpreter. I think he should have more salary, and I would like to know what action should be taken to have it increased.

The PRESIDENT. I think the clerks of the Resident Commissioners ought to receive the same salaries as clerks to Congressmen.

Mr. QUEZON. I should have said \$1,500 instead of \$1,200 as provided for these salaries. If there is no way of amending the Congressional Act, so as to make an additional appropriation of \$500, that sum might be appropriated by the Assembly, so that Mr. Ocampo's secretary could receive \$2,000, gold.

The PRESIDENT. There is another point still, whether to save time we ought to issue these instructions jointly or separately.

Mr. DE VEYRA. I believe it would be better for us to make an

exchange of the instructions. In case we issue our instructions separately, there may be some conflict.

The PRESIDENT. In addition to the proposed amendment already read to you, I am going to make further recommendations, with respect to sewing machines and such things.

The Secretary will furnish the committee of the Assembly with copies of the tariff recommendations read this morning and the previous recommendations made by the Commission on the subject of the tariff.

Now, about the time of leaving of the Resident Commissioners: I believe we have decided that they should leave Manila by December 21, and if there is no objection the following resolution can be reported and recommended to the Commission:

C. R. No. 17. *Resolved*, That after conference with the subcommittee of the Committee on Relations with the Sovereign Government, Philippine Assembly, it is the sense of the Commission that Honorable Benito Legarda and Honorable Pablo Ocampo, Resident Commissioners to the United States, should leave Manila on their way to the United States in time to connect with the steamship *Mongolia*, leaving Hongkong for San Francisco on December twenty-fourth, nineteen hundred and seven, in order that they may be in Washington during the consideration of the Philippine Tariff Bill.

The resolution was unanimously agreed to.

The committee thereupon rose.

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

THURSDAY, DECEMBER 19, 1907.

The PRESIDENT. The Commission is now in Committee of the Whole for the purpose of considering Assembly Joint Resolution No. 4, providing that a recommendation be made to the Congress of the United States that it empower the Philippine Legislature to enact a law to establish a day other than that provided by the Act of Congress of July 1, 1902, for the opening of the sessions of the Philippine Legislature, and urging prompt action. The resolution has been read a first and second time, and any suggestions as to its amendment are now in order.

Commissioner SHUSTER. The resolution provides that the Legislature shall be empowered to fix a day for the opening of the sessions, in view of the circumstances in each case. The Constitution of the United States fixes the date for the opening of the sessions of Congress, and I think this is so in most of the States of the Union, and it seems to me that what we want is to be able to fix by law some particular day in the year and then meet on that day.

The PRESIDENT. I would suggest that the resolution be amended by striking out all following the word "*Resolved*" and inserting in lieu thereof the following:

by the Philippine Commission and the Philippine Assembly, That a recommendation be made to Congress that that portion of section seven of the Act of Congress approved July first, nineteen hundred and two, reading—

"The Legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): Provided, That the first meeting of the Legislature shall be held upon the call of the Governor within ninety days after the first election: And provided further, That if

at the termination of any session the appropriations necessary for the support of Government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the Legislature shall act in such behalf the Treasurer may, with the advice of the Governor, make the payments necessary for the purposes aforesaid"—
be amended to read as follows:

"The Legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): *Provided, however,* That the Philippine Legislature may by law fix the date for the commencement of its annual sessions: *And provided further,* That the first meeting of the Legislature shall be held upon the call of the Governor within ninety days after the first election: *And provided further,* That if at the termination of any session the appropriations necessary for the support of Government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the Legislature shall act in such behalf the Treasurer may, with the advice of the Governor, make the payments necessary for the purposes aforesaid;" and

Resolved further, That the Governor-General be, and is hereby, requested to telegraph this recommendation to the honorable the Secretary of War.

Commissioner SHUSTER. Do you make that suggestion as a motion?

The PRESIDENT. Yes, sir.

Commissioner SHUSTER. Then I second the motion.

The PRESIDENT. All in favor of this motion will please signify the same by saying "Aye;" all opposed, "No." The ayes have it and the amendment will be recommended to the Commission.

The PRESIDENT. The next subject for discussion is Assembly Joint Resolution No. 5, authorizing private secretaries for the Resident Commissioners. The resolution having been read a first and second time, amendments are now in order. My attention has been called to the fact that the resolution as it stands, although fixing the salaries of the private secretaries, makes no provision for their payment. If there is no objection, therefore, I will recommend that the resolution be not adopted and will introduce in the Commission a bill in lieu thereof.

(No objection was offered.)

I move that the committee do now rise for the purpose of making its report and recommendations to the Commission with respect to Assembly Joint Resolutions Nos. 4 and 5.

(The motion was agreed to.)

The report and recommendations having been made, the committee resumed its session.)

The PRESIDENT. Commission Bill No. 4, in lieu of Assembly Joint Resolution No. 5, having been read a first and second time, is now open for amendment.

Commissioner SHUSTER. I move that the bill be reported to the Commission with the recommendation that it pass.

The PRESIDENT. You have heard the motion. All in favor of it will please signify the same by saying "Aye;" all opposed, "No." The ayes have it and recommendation will be made to the Commission accordingly.

(At this point the Speaker of the Assembly was announced; and being admitted, handed to the President Assembly Bill No. 10, with the statement that it had passed the Assembly and that that body respectfully requested its expeditious passage by the Commission.)

The PRESIDENT. This bill (Assembly Bill No. 10, providing for an appropriation of ₱1,000,000 for the construction of schools in the barrios, under certain conditions) is in the Spanish language and has not come up to the Commission in due course, but these facts do not preclude the Commission from the consideration of the bill in Committee of the Whole and later recommending its passage to the Commission after it has been properly translated, or some member of the Commission might reintroduce the bill in English in exactly the same terms as it is here, and we could then pass on it. If there is no objection, however, I think we might go on with its consideration now. [After a pause.] There being no objection, the bill will be read by the interpreter.

(The bill was thereupon read in Spanish by the interpreter.)

Commissioner FORBES. Paragraph (b) of section 1 says that "The municipality, either by making an appropriation from its funds or by means of popular contributions of funds, materials, or labor, shall contribute a sum not less than fifty per centum of the total amount which may be granted in accordance with this Act." Does that mean that the materials or work shall equal in value 50 per cent of the total amount granted?

The PRESIDENT. The municipality must contribute 50 per cent of the total amount which is to be awarded for the erection of the school. If it is estimated that the building will cost ₱4,000, then either in funds or in material or work the municipality must contribute to the value of ₱2,000.

Commissioner FORBES. Would it not be clearer to say "materials or labor at the prices prevailing?"

The PRESIDENT. That is all in the hands of the Secretary of Public Instruction. He does not make his award until the barrio comes forward and says what it is going to do.

Commissioner FORBES. In other words, the Secretary of Public Instruction has got to be satisfied that the materials and work are equal in value to 50 per cent of the amount granted.

The PRESIDENT. Is that your understanding, Mr. Osmeña?

Mr. OSMEÑA. It is in the discretion of the Secretary of Public Instruction. He ought to determine the assistance required of the municipality.

Commissioner SHUSTER. It says very plainly that the municipality, either by voting the amount from its funds or by means of voluntary contributions of funds, materials, or labor, shall contribute a sum not less than 50 per cent of the total amount granted; so that there are two ways of contributing, either by an appropriation of funds of the municipality or by voluntary contributions of materials and labor.

Commissioner FORBES. How many schools are there that have an average attendance of sixty pupils now?

Commissioner SHUSTER. I could not tell you the exact number, but I will say this, which will probably answer your question, that the number we will have is far beyond the number which can be constructed with this ₱1,000,000. In four years it will only construct two hundred and fifty barrio schools. We have at the present time three thousand barrio schools, mostly of nipa, and with poor accommodations; and the only limitation on the number of barrio schools which will have sixty or more pupils is the number of such schools which will accommodate sixty pupils.

Commissioner FORBES. I want to ask a further question: Has any estimate been made with regard to the cost of these schools? I see that the bill provides ₱4,000 for each school.

Commissioner SHUSTER. A maximum of ₱4,000 for each school.

Commissioner FORBES. Yes; a maximum of ₱4,000, and 50 per cent of that to be contributed by the municipality would make ₱6,000. Have you any reason to believe that a school of strong materials, such as the law requires, can be built for ₱6,000; that is, a school to accommodate sixty pupils?

Commissioner SHUSTER. Yes, sir.

Commissioner FORBES. Of what materials?

Commissioner SHUSTER. Of second-group timber and galvanized-iron roof.

Commissioner FORBES. But not of reënforced concrete?

Commissioner SHUSTER. Hardly, but, gentlemen, here is what will happen: There being something over three thousand barrios with schools, some of which barrios have been municipalities in the past, and there being only two hundred and fifty barrio schools out of a total of three thousand which we can aid, I will say to them, "Gentlemen, there is not enough money for all of you, but the barrios that offer the best conditions are the ones that will get assistance from us;" and while the law requires only 50 per cent of the amount granted, many of them will be aiding to the extent of ₡4,000, ₡6,000, or ₡8,000. I have many applications now where municipalities offer ₡10,000 where we only offer ₡4,000. I venture to say that there will not be a single allotment made in which the barrio will not allot an equal amount.

Commissioner FORBES. I hope that in the expenditure of this money the policy which we are endeavoring to establish here and hold to—of using the money wisely by putting up structures which are going to be monuments which will last for fifty years or more—will prevail, and that we will not use this money for the construction of buildings which in the course of a few years are going to tumble down and have to be rebuilt.

Commissioner SHUSTER. That is the policy of the Department of Public Instruction and has been its policy for several years past. There is no one who feels more strongly on this subject, or who has written more strongly on it, than the present head of the Department, and in addition it is required by the bill that the buildings constructed in accordance with its provisions shall be constructed of strong materials (*materiales fuertes*), which has been interpreted to mean either reënforced concrete or hard wood.

Commissioner TAVERA. I should like to make one or two observations. Subsection (*b*) of section 1 uses the words "Either by making an appropriation from its funds or by means of popular contributions." I think it is advisable to change the word "popular" to "voluntary."

The PRESIDENT. I think there is a provision of law against taking contributions unless they are voluntary.

Commissioner FORBES. Does not this law authorize that? It

says that the municipality may contribute either by making appropriation of its funds or by means of a popular tax.

Commissioner SHUSTER. I believe that the expression *contribución popular* is equivalent to our expression "voluntary contribution."

Commissioner FORBES. It is a question of the meaning of the Spanish word *contribución*. If it can be interpreted to mean a tax on the people I object to it.

The PRESIDENT. It does not mean that. I think the word "popular" qualifies it.

Commissioner SHUSTER. If I were called upon to translate this bill I should translate those words *contribución popular* as "voluntary contribution."

Commissioner TAVERA. What I proposed was that a clearer word than *contribución* should be used.

Commissioner SHUSTER. "Voluntary contribution" is all right. There can be no question about its meaning.

Commissioner TAVERA. In subsection (c) it is provided that "The buildings above mentioned shall be erected only upon lands of the exclusive ownership of the municipality, or which shall be donated for such end: *Provided, however, That the title must in each case be registered in the Court of Land Registration, but the Secretary of Public Instruction may authorize the beginning of the construction work upon the filing of the application for registration in the said Court of Land Registration.*" Now, it might happen that the application shall be presented to the court and the court shall deny it after the construction is commenced. There would undoubtedly be many municipalities that would receive gifts of land and would dedicate such land to the school in good faith, believing that the title would be approved by the court, whereas after investigation the court denies it. So that, on the one hand we require that the building shall be erected on land owned exclusively by the municipality and on the other hand we state that we are content if application only is made for registration.

The PRESIDENT. Against my protest for more than two years we have been doing this same thing. We have been putting up buildings on land for which we have had no title, but unless there was permission from the Governor-General (in this case it is the Secretary of Public Instruction) this was not allowed to be done, and I have always resisted giving this permission until I was convinced that there would be no question.

Commissioner TAVERA. And in this case the Secretary of Public Instruction has nothing to do with it, because the law says that it is enough that the application for registration be presented.

Commissioner SHUSTER. It is within the discretion of the Secretary of Public Instruction to authorize the beginning of construction, and in case the application has been presented it is his duty to examine the papers. It does not mean that the Secretary of Public Instruction is going to authorize the building in every case, but that when he does grant such permission it is his duty and responsibility to see that the title is right and that no such building is constructed on land which is not the property of the Government or which is not going to be the property of the Government. You can not imagine the difficulty we have had in this regard. There are provinces in which there is not a single piece of land registered. The provinces send the titles to the fiscal and to the Attorney-General for examination, and it generally takes a month to get anything done on them. Even if we did construct a building on land to which title was denied the Government would not lose the building.

Commissioner LUZURIAGA. This is a bill appropriating funds. It provides that by January 1, 1908, the sum of ₡250,000 shall be available. I should like to ask if this bill has been considered by the Committee on Appropriations.

The PRESIDENT. We are now considering it in Committee of the Whole. There is no doubt but that the ₡250,000 can be made available.

Commissioner FORBES. I move that the Committee do now rise and that the bill be reported back to the Commission with the recommendation that it pass without amendment.

Commissioner SHUSTER. I second the motion.

The PRESIDENT. It has been moved and seconded that the Committee of the Whole do now rise and report Assembly Bill No. 10 back to the Commission with the recommendation that it pass as it was passed by the Assembly. Any changes made will be in the nature of corrections in the translation and will not be amendments of the bill. All in favor of the motion will signify the same by saying "Aye," all opposed, "No." The ayes have it and the bill will be reported to the Commission accordingly.

The committee thereupon rose.

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

MONDAY, JANUARY 6, 1908.

The PRESIDENT. The Commission is now in Committee of the Whole for the purpose of considering the completed work of the Compilation Committee (without the index). Does any Commissioner desire to make any remarks on the subject?

Commissioner SHUSTER. Mr. President, as chairman of the Compilation Committee I would like to make a brief explanation. The Compilation Committee appointed by the last resolution of the Commission of October 2, 1907, now presents to the Commission its completed compilation of all the Acts of the Philippine Commission up to and including Act No. 1800, the last Act passed by the Philippine Commission prior to the organization of the Philippine Assembly. This is a continuation of the original compilation which was prepared and which included all Acts up to and including August 31, 1907. The same general plan has been retained in this second revision of the Acts of the Commission passed after August 31, bringing the compilation up to date. In addition to the data contained in the original compilation, the committee has inserted in the various sections of the laws references to leading cases in the Supreme Court of the Philippine Islands interpreting and construing said laws. These additional notes, while not absolutely complete up to date, will undoubtedly be of the greatest assistance to the bench and bar and to the public in general in using the compilation. The present form of

the compilation has been proof-read very carefully a great number of times by different persons, and while it would perhaps be too much to say that there are no typographical errors contained therein, it is the belief of the committee that all reasonable precaution has been taken to eliminate them, and that if any are found it will be in exceptional cases.

With regard to the compilation work itself, the committee has prepared a brief explanatory note, which with the approval of the Commission it will print on the fly leaf of the final volume, in the same way that Mr. Cobb prepared and published a note at the beginning of his compilation of the Acts of the Commission. This note contains the substantial parts of the resolution of the Commission authorizing the publication of the compilation, stating what the effect of it is to be, or rather what it is not to be, namely, that it is not to be considered as changing the existing laws in any respect, but is merely for the convenience of the public, and giving authority for the final printing of five hundred copies.

Your committee now requests that such examination of this completed work be made by the Commission as it may deem proper and necessary, and that if satisfied with the work the Commission shall approve the compilation for publication as was contemplated by resolution of October 2, 1907. The stitched page proofs which are here presented are printed on one side only, and the paper which the printer was compelled to use in printing these page proofs is very much thicker than the paper which will be used in the printing of the final volumes; so that it is estimated by your committee that the final compilation, including the index, will make one fairly large volume, but one which will not be inconveniently large for use, and it is our intention, if the same is approved by the Commission, to have the entire compilation and index printed in one volume.

Commissioner FORBES. Will that volume be larger than is the present first volume of the laws of the Commission?

Commissioner SHUSTER. It will be slightly larger than the first volume.

Judge GOLDSBOROUGH. I may say that I examined a number of pages contained in the statutes of the United States, and I found that the number of pages in those volumes run up to 2,100, while in this compilation there will be but 1,400 pages. The Statutes at Large are one-third larger than this will be. It will not be nearly

as bulky a volume as some that are issued by the Federal Government.

Commissioner FORBES. I do not see that a volume of that size will be at all large.

The PRESIDENT. The Secretary will please read the resolution of the Commission of October 2, 1907, with reference to the work of compilation.

The resolution was thereupon read, as follows:

Resolved, That the said report of the Compilation Committee be, and the same is hereby, accepted, and the terms of the said resolution of May ninth, nineteen hundred and seven, having been fulfilled, the committee is hereby dissolved, and the thanks of the Commission are hereby tendered to its members;

Resolved further, That a new Compilation Committee, to consist of the Honorable W. Morgan Shuster, Secretary of Public Instruction, chairman; Judge W. L. Goldsborough, Court of Land Registration, and Mr. George R. Harvey, Assistant Attorney-General, be, and the same is hereby, appointed to continue the work of compilation so as to include therein all Acts of the Philippine Commission passed since the thirty-first day of August, nineteen hundred and seven, to and including the fifteenth day of October, nineteen hundred and seven;

Resolved further, That the Compilation Committee appointed by this resolution be authorized and directed to arrange with the reporter of decisions of the Supreme Court for the immediate preparation of a suitable index for the final compilation, and that the expenditure, on the approval of the chairman of the committee, of a sum not to exceed two thousand five hundred pesos is hereby authorized, for the purpose of employing the clerical assistants and paying the contingent expenses incident to preparing said index for printing: *Provided*, That such clerical assistants shall be deemed to be emergency employees and shall not be subject to civil-service laws and rules: *And provided further*, That employees now in the service may be engaged for this work, anything in the terms of Act Numbered One hundred and forty-eight to the contrary notwithstanding;

Resolved further, That five hundred copies of the final compilation and index, as approved by the Philippine Commission, shall be printed and published for the convenience of the public as "A Compilation of the Acts of the Philippine Commission:" *Provided, however*, That such compilation as published shall not have the effect of varying the meaning of the laws and amendments thereto as originally enacted by said Commission; and

Resolved further, That the expenditure of not to exceed twelve thousand pesos is hereby authorized for the printing, binding, and publishing of the five hundred copies of said final compilation and index; and that the Committee on Appropriations be, and is hereby, directed to make suitable provision in the next appropriation bill for the confirmation of the authorizations for expenditures of money contained in this resolution.

Commissioner SHUSTER. The money spoken of in the resolution has already been appropriated.

Commissioner FORBES. Mr. President, Mr. Shuster in presenting his report suggested that the Commission, before approving the compilation, take such checks as may seem to the Commission advisable to verify the work. I do not think it would be advisable for us to attempt to check the whole thing as that would be an expensive task and one that would require considerable time, and besides would show a lack of confidence in the committee. The terms under which this compilation is to be printed and adopted are such that any error which may have crept in will not be costly. It would merely mean that it would be to that extent of less value to the lawyers and the courts and members of the community, for whose information and guidance it has been prepared. He has suggested to me that a simple check is all that is necessary, merely checking over certain definite laws. I should say that it would be a good plan for us to let each member of the Commission present take a set of these volumes and make a certain simple check and investigation; the Governor-General to have the law clerk of the Executive Bureau to do it; I to have my office force check it over; Mr. Worcester might have his private secretary look it over as to laws concerning the Department of the Interior; and the Filipino members might use such agencies in checking back as they deem proper—the idea being to take simple cases and follow them through the compilation to see if the law as compiled compares with the fundamental laws as passed. I should not think that it would be worth while to so check more than one in twenty-five of such laws. I should be willing to take, for example, a few laws in which I am personally interested as Secretary of the Department of Commerce and Police, and ascertain how they compare in the compilation with the laws as passed. After we have made an investigation of that kind we could then justify our vote to have the compilation printed and published, by saying that it was not done wholly blindly and at the same time that we had not delayed the promulgation of this very important document. So that, if it is satisfactory to Mr. Shuster, I suggest that some course of that kind be taken, report to be made by each Commissioner within a week.

I now move you, sir, that when the Committee of the Whole do rise it recommend to the Commission that copies of this compilation be given to each Commissioner by the Compilation Committee, with

the request that he make such comparison of its contents as he may care to make for the purpose of verifying its accuracy and examining the form in which the laws in which he is personally interested are to be found in the compilation, reporting back to the Commission within one week from to-day the result of his investigation, and further that this question be set as a special order for 9 o'clock of Monday the 13th instant.

Commissioner SHUSTER. I second the motion.

The PRESIDENT. Does any Commissioner desire to make any remarks on this motion? The President hears none.

Now, as I understand it, the various Acts of the Commission have been divided up and set under different headings in this compilation; that is, Acts touching legislation are set under legislative head, touching executive, under executive head, and touching judicial, under the head of judiciary. Now, I do not think that your committee has been consistent if that has been your course, as, for instance, you take the Governor-General; there are many things which he does and in which he exercises original jurisdiction which are not included in his duties as shown in this compilation. In other words, you have not taken out of the Election Law, for instance, those things which particularly belong to the Governor-General and put them under the head of "Governor-General" in your compilation.

Commissioner SHUSTER. The plan followed by the committee has been to make three parts, or grand divisions, of the work—into the legislative, the executive, and the judicial. That division has been followed so far as is practicable with the existing laws, but inasmuch as your committee has had no power to change the wording of the laws, or make amplification of them, or to divide one section up into several sections where to do so it would be necessary to add something to a section which was taken out of the Act of which it formed a part and put in another place in order to make it intelligible, it is true that there is an apparent inconsistency in that respect, but it is an unavoidable one under the limitations placed upon your committee or on any mere compilation work. I will illustrate: There are duties to be performed by the Governor-General under the Accounting Act, which Act is generally executed by the Insular Auditor. It is impossible to take every section in which a duty is imposed upon the Governor-General in that Act out of the rest of the law to which it appertains and put it sepa-

rately under the head of duties of the Governor-General in the compilation, for the simple reason that those duties are so connected with the administrative duties of the Auditor and other officials that to take them out would leave a hiatus in the law which prescribes the Auditor's duties and would be unintelligible under the Governor-General's duties.

Commissioner FORBES. Suppose in a case where you have divided up a law and put it under different heads, one section under one head and another section under another, and a certain section reads "as herein provided," referring to a certain previous section—have you changed the wording of the law in the compilation, so as to say "as provided in section numbered ——;" and where a section in a law referred to several preceding sections, have you mentioned each section by number as it appears in the compilation?

Commissioner SHUSTER. In the compilation we refer in the same manner to the section preceding, and wherever it refers to more than one section we mention that, too.

The PRESIDENT. Now, as a matter of fact you have taken sections out of the Acts and transferred them bodily, so that in doing that you have both modified the language of the statutes and you have changed their form. What I am calling attention to are things which may deceive one in looking over the compilation. You set forth ostensibly the duties of the Governor-General. Now, those duties which you set out are very far from being the duties of the Governor-General. There are hundreds of other cases where he exercises the last and final jurisdiction, and sometimes original jurisdiction. It seems to me that if you wanted to be consistent, in this part touching the duties of the Governor-General, for instance, you should have added that in addition to the duties set out he is required to perform the duties prescribed by the Election Law, the Accounting Act, etc.

Commissioner SHUSTER. Mr. President, where does this compilation say "The Duties of the Governor-General?" We do not say anything that would indicate that those set out are all the duties of the Governor-General.

The PRESIDENT. Here, for instance [pointing to a portion of the compilation], you have the duties of the Governor-General with reference to paroles. Why did not you leave that under "Paroles and pardons?"

Commissioner SHUSTER. That is simply a separate section of Act No. 1561.

Judge GOLDSBOROUGH. There are only two sections altogether in the law. Where a law related entirely to the Governor-General we placed it under the Governor-General. If we should take out of the Acts relating to the Auditor those portions wherever the Governor-General or the Secretary of Finance and Justice or the Insular Treasurer is mentioned, and put them under the head of those functionaries also, we would have this compilation double the size it is, because we would have to repeat those things over and over again. The idea is that in the index, under the head of Governor-General, will appear every reference to the Governor-General or any of his duties, and wherever a particular faculty is included in a long Act the index will guide a person to it.

Commissioner SHUSTER. If we were to repeat them all, we would not have a compilation: we would have something like what we have now—an immense body of laws, with many of them bearing on the same subject.

The PRESIDENT. The great trouble is that you have tried to make not only a compilation but an incomplete codification, because the complete codification will have all those things under their respective headings.

Commissioner SHUSTER. A codification could not possibly be made without legislative enactment here.

The PRESIDENT. But that is just what you have been trying to do. You have made a compilation and then tried to make a codification.

Commissioner SHUSTER. No, sir; pardon me. We have not gone beyond the compilation. We have simply compiled the laws in a convenient form, and where as a matter of convenience it was necessary to change a reference by reason of the replacing of a section we have done so.

The PRESIDENT. A compilation means a gathering together of laws. A revision of the laws would have embraced this. Then, after your revision, comes your codification. Now, under your revision you could not classify. A compilation is simply a compilation—you get all the laws together. You take a law, for instance, that has been amended forty times and put those amendments into the law wherever they may belong.

Commissioner SHUSTER. Suppose that we put them in indirectly, or nonspecifically; we would naturally have the same thing that we have already. We have now a running compilation of the laws.

The PRESIDENT. For instance, you have amended an Act a number of times. Now a compilation means that a lawyer, instead of striking out and inserting words, cutting up and pasting in amendments, in order to find what the law actually is, lets the compilation committee man do that work, and when it is done the law reads consistently or inconsistently as the legislature finally passed it. A compiler can not fix that up. It is a matter to be remedied by the legislature. This you have given us is a compilation and to some extent a revision.

Judge GOLDSBOROUGH. May I say a word with regard to the form? Our original instruction, and I had never heard it questioned, was that we were to prepare this thing as nearly as practicable in the form in which the United States Statutes were prepared, and this matter was of course before the Commission when the resolution of October 2 was passed; and at that time, and as far as I know from the beginning, the Commission has understood that we were grouping the legislation under a number of headings.

Commissioner SHUSTER. Whatever we have done beyond the compilation, it has been an improvement of what a mere compilation would have been. We have that now in bound volumes. That would be of very little assistance to anybody.

The PRESIDENT. It would be of far more assistance than the form in which our general laws are now.

Commissioner SHUSTER. Not nearly so much so as this compilation of ours.

The PRESIDENT. No, I think not. The only question in my mind was as to how far we should go with this. It seems to me, of course, that this ought to be printed, but I think that it ought to be very clearly understood that it is only a compilation.

Commissioner SHUSTER. You can repeat that same section of the resolution several times if you wish.

The PRESIDENT. In your explanatory note it should be recited.

Commissioner SHUSTER. It is plainly recited there.

The PRESIDENT. It should be stated that the compilation is simply preparatory to a codification. Unless that is perfectly understood, you are bound to hear many criticisms. It should be stated that

this work is published at this time in order that the bench and bar may have the benefit of the work of the Compilation Committee, and in order that they themselves may be in position to suggest to the Compilation Committee wherein mistakes have occurred, so that subsequently we will have something upon which to base a perfect codification of the laws. Because, gentlemen, I can say to you that it is impossible to avoid errors in a work of this kind, and you will see later that a number of errors have crept in despite your care.

Commissioner SHUSTER. We do not expect anything else. We have asked that any errors be called to our attention.

The PRESIDENT. Referring to Commissioner Forbes's motion, I can not see that any advantage would come out of an examination such as he suggests. We would be in the same position a week hence that we are now. If we want to make a really careful examination of this work it is not a question of a week but of a couple of months, and even then we will not have done anything like the work that the Compilation Committee has done with it.

Commissioner FORBES. Do you think it worth while to check over every bit of this compilation?

The PRESIDENT. No; I say that I do not think it is worth while to check it over for a week and endeavor to find errors in a few laws. That has already been done by Bureau chiefs. What each Commissioner can do with a couple of clerks would be of no particular value.

Assistant Attorney-General HARVEY. The trouble is that if they do not understand the general plan they would think that they had discovered some error when it was really not an error.

The PRESIDENT. I find that there have been some complaints from the Bureau of Science already.

Commissioner SHUSTER. They were absolutely groundless.

The PRESIDENT. Well, here we have a Bureau chief who is very careful, and knows all the laws that govern him, and he writes of what he considers defects in the compilation, and none of them turn out to be well founded; so that I see no good in wasting another week over it.

Commissioner FORBES. I think that the members of the Commission will vote for the compilation more intelligently after they have had the bound volumes in their hands for a period of time. I for one have entire confidence in the committee, and I have not

the slightest idea that I shall find anything in the compilation that I shall criticise; but at the same time before voting I would like to spend a little time on it, so that I can say that I had looked it over. That is my attitude. I would prefer to vote for a matter of this kind after looking at it, instead of simply seeing a lot of bound volumes in front of me and being told what they are about.

Commissioner SHUSTER. I am in favor of that.

Commissioner TAVERA. When this motion was presented I had no other idea than to look through the books only, and if a motion were presented now to approve this plan I would vote in favor of it. A week's delay would make but little difference in getting out a work of this kind.

Commissioner LUZURIAGA. As we can not go through the work thoroughly, I believe that we should not take the responsibility of making an examination.

Commissioner SHUSTER. We are taking the responsibility over our signatures.

The PRESIDENT. Commissioner Luzuriaga has expressed my idea exactly. If we make a pretense of taking a week to examine the work we will have greater responsibility than if we simply took the word of the committee that it was all right.

Commissioner FORBES. I am not trying to avoid responsibility.

The PRESIDENT. I am, unless I am prepared to assume it with a knowledge of the facts, and I know that we can not examine the work in a week nor in two months.

Commissioner FORBES. I do not think that by spending five or ten minutes looking over the titles of the Acts in here we would vote as intelligently as we would if we should take a little time to look the work over leisurely. I do not think we ought to make ourselves responsible for any errors that may have crept into the 1,200 or 1,400 pages, but I think that we might be able to criticise it a little more intelligently by looking inside the cover.

The PRESIDENT. Gentlemen, are you ready for the question? It is the motion made by Commissioner Forbes that a resolution be recommended to the Commission that each member of the Commission be furnished with a set of the preliminary volumes of the work of the Compilation Committee, in order that he may have an opportunity of looking over the same before casting his vote for

it on the question of the acceptance of the completed work and the discharge of the committee; and that further consideration of the subject be made a special order for Monday, January 13, 1908, at 9 o'clock antemeridian.¹ All in favor of the motion will please signify the same by saying "Aye;" all opposed, "No." The ayes have it.

The committee thereupon rose.

WM. H. DONOVAN, *Secretary*.

¹ See consideration of special order, pp. 181-186.

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

SATURDAY, JANUARY 11, 1908.

The PRESIDENT. Commissioner Shuster, to whom was referred Assembly Bill No. 1, entitled "An Act providing for the cancellation under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund, having reported thereon with a proposed amendment, the Commission is now in Committee of the Whole for the purpose of considering said bill.

Commissioner SHUSTER. Mr. President, I would like to say that the form of the Assembly bill is such that not only is the indebtedness of the provinces and municipalities to the Insular Government, for the cancellation of which no provision has heretofore been made, canceled, but the bill has an evident retroactive effect and is intended to provide for the cancellation on a new basis of certain indebtednesses of provinces which have already been canceled by various Acts of the Philippine Commission on condition that said provinces should pay into their respective special provincial school funds, within a certain fixed number of years, an amount in each case equal to the total amount of the indebtedness, to which conditions such provinces have agreed. I think there can be no possible objection to the terms provided in Assembly Bill No. 1 for the cancellation of the loans for which no special provisions have already been made by the Insular Government, except that your committee

believes that provision should be made for the payment each year of a certain proportion of the indebtedness canceled, not leaving the whole sum to be paid at any time within a period of ten years, as the result of that would be that in many cases provincial governments would undoubtedly postpone the evil day for paying a portion or all of the loan, and we would have substantially the same situation ten years hence as we have to-day. In your committee's proposed amendment to the bill, therefore, it has been provided that this cancellation shall only extend to the debts of provincial and municipal governments for the cancellation of which conditions and terms have not already been specifically provided by law. Furthermore, it is provided that the provincial and municipal governments whose debts are to be canceled under this proposed law shall expend from their general funds on or before the 31st day of December, 1908, and on or before the 31st day of December of each successive calendar year thereafter, an amount equal to not less than one-tenth of the total amount of the indebtedness canceled by the bill, which conditions are substantially those which have already been agreed to by other provinces.

In pursuance of its retroactive purpose, Assembly Bill No. 1 also contains a provision, in section 2, for a specific repeal of Acts Nos. 1560, 1601, 1603, 1622, and 1679 of the Philippine Commission, which Acts are those making specific terms and conditions for the cancellation of the indebtedness of certain provinces already referred to. Attention should also be called to the fact that Act No. 1679, which is repealed by Assembly Bill No. 1, is the general appropriation Act, in which is contained a provision for the cancellation of the indebtedness of the Province of Bulacan. The result of this repeal would be to stop many of the functions of government, and it was evidently an oversight on the part of the Assembly. It is provided in the proposed amendment of your committee that nothing contained therein shall be construed to modify or repeal any of the provisions of Acts Nos. 1560, 1601, 1603, and 1622, or as affecting or changing the terms and conditions upon which the indebtedness to the Insular Government mentioned in said Acts shall be extinguished by the provinces concerned. In other words, the purpose of the amendment is to cancel, upon substantially the terms proposed in Assembly Bill No. 1, the indebtedness of those provincial and municipal governments to the Insular Government for the cancellation of which specific provision has not already been made by law.

In support of the proposed amendment, I desire to call the attention of the Commission to the fact that in deciding what amount of money should be directly or indirectly devoted to school construction, and what amount should be devoted to the construction, maintenance, and repair of roads and bridges, these cancellations in certain provinces, amounting to two hundred and some odd thousands of pesos, made in favor of the provincial school funds, were taken into consideration when it was provided that an additional 10 per cent of the internal revenue should be devoted wholly to road and bridge construction in the provinces, that additional collections on the double cedula were to be devoted to the same purpose, and when a large amount was directly appropriated for roads and bridges; so that in a way it would be depriving the special school funds of the provinces of what was deemed by the Commission, when the entire subject was before it, to be a fair proportion for them of the money which the Insular Government thought that in one way or another it could devote to these provincial school funds. I feel very certain that when the Assembly has these facts before it it will concur in the proposed amendments, which in no way affect the general purposes of the bill, but merely one or two minor details.

Commissioner FORBES. In connection with this bill I would like to ask Commissioner Shuster if he can give us the amount involved in these cancellations.

Commissioner SHUSTER. I understand that the total indebtedness of the provinces and municipalities which will come under this cancellation, leaving out what already has been canceled, some two hundred thousand odd pesos, amounts to about ₱700,000.

Commissioner FORBES. Does the bill include the city of Manila?

Commissioner SHUSTER. It apparently does.

Commissioner FORBES. Was that intended?

Commissioner SHUSTER. It says all provincial and municipal governments.

Commissioner FORBES. In figuring that seven hundred thousand peso estimate, did you include the city of Manila?

Commissioner SHUSTER. No. If the indebtedness of the city of Manila was ₱600,000 that would bring the total up to ₱1,300,000.

Commissioner FORBES. I suggest that before taking action on this bill the Insular Auditor be requested to give us a statement of the exact amount involved—

The PRESIDENT. I will give directions to telephone to him for this information.

Commissioner FORBES. But I had not finished. My suggestion goes a little further. I think we should have not only the aggregate amount but the amount which each province shall gain; also a statement of the Insular assistance rendered to provinces for different purposes since the establishment of civil government, so that we can know just how we are distributing our favors. I do not think it is fair to tax all the people to help a few. I discover, for example, that Pampanga has never received a cent, while Cebu has been given very large sums. I also understand that Bataan, a little struggling province across the bay, has not received a cent. On the other hand, I happen to know that other provinces, perhaps not nearly so much in need of it, have benefited to a large degree, and I think, therefore, that such a statement as I have suggested ought to be before us in future when considering any measure having in view the assistance of provinces.

The PRESIDENT. It seems to me, Mr. Forbes, that while your argument is perfectly just and correct it is one which should have been taken into more serious consideration before we ourselves started on the highway of changing the form of provincial indebtedness to the Insular Government, by putting it in the power of provinces to relieve themselves of debt by the erection of school-houses. It was, I think, more or less a question of dispute and discussion here at the time the bills canceling the indebtedness of five or six provinces under certain conditions were under consideration, and we decided in favor of the proposition. Now, if we bring up this argument of yours, the Assembly will come back at us with the statement that we are arguing against the injustice of something which we have already done, and that other provinces are now in the same condition as were the provinces whose indebtedness was forgiven, and that these other provinces are entitled to receive the same privileges.

Commissioner FORBES. I think that you mistake my position somewhat. I made no argument. I merely requested certain information. I am not opposed to the bill, and I shall probably vote for it notwithstanding what the figures show, but before I proceed to vote for a bill of this kind I want to know why I am voting for it.

Commissioner SHUSTER. I would like to state that if it is the desire of the Commission to have that information I would be very

glad to secure it from the Auditor and to include it in my report. I did not know that the Commission wanted me to go into this question.

Commissioner FORBES. When the matter first came up I tried to give notice that this information should be secured.

The PRESIDENT. Well, gentlemen, shall Assembly Bill No. 1 be amended by striking out the provision that any of the money expended by provinces in consideration of the cancellation of loans shall be expended for roads and bridges?

Commissioner SHUSTER. I move that it be so amended.

Commissioner TAVERA. I second the motion.

The PRESIDENT. It has been moved and seconded that Assembly Bill No. 1 be amended by striking out the provision that any of the money expended by provinces in consideration of the cancellation of loans shall be expended for roads and bridges or public works other than schools.

Commissioner SHUSTER. Mr. President, before a vote is taken I would like to make a remark. I believe that that amendment should be made to Assembly Bill No. 1 for this reason: I recognize, as I think every member of the Commission and every officer of the Government does, the extreme necessity of devoting all of the energy and money possible to the construction of roads and bridges, and I therefore voted for a bill giving wholly to roads and bridges the additional 10 per cent of the internal revenue and the additional cedula tax of ₱1, which I understand has been adopted by most of the provinces, and which combined furnish a very large and substantial permanent road fund.

Commissioner FORBES. I beg your pardon; it is not permanent. It is only for one year.

Commissioner SHUSTER. I say, as it has been adopted by the provinces. I do not think there is any reason to believe, with the experience we have had, that this will not be as permanent as any other system of taxes which we have here. In other words, if a majority of the provinces in these Islands, in the state they have been in during the past year, could see their way clear to adopt this additional cedula-tax law, I believe that much more interest will be displayed on their part when the people actually come in touch with the benefits of that law, so that I feel that it may be called a permanent fund for the establishment of roads and bridges in the provinces; and in addition to that the Commission has made, and

very properly, it seems to me, a substantial appropriation of funds to be expended by the Secretary of Commerce and Police for roads, and the total amount of that fund available for roads in these Islands during the coming calendar year, as I understand it, and I am subject to correction as to the exact figures, is in the neighborhood of ₱3,000,000.

Commissioner FORBES. Nearer ₱4,000,000.

Commissioner SHUSTER. I think that while of course more money could be spent on roads, that is a very substantial step toward the securing of assistance for permanent road construction and maintenance here, and on the other hand, in spite of the comparatively generous treatment which the schools have received at the hands of the Commission, we are sadly off for funds, not only for the construction of school buildings but for the maintenance and repair of school buildings and for the payment of teachers. By some persons our school system is not considered to be as efficient as it should be, and one of the principal reasons why it is not as efficient as it should be is that we are hampered by lack of funds, and I do not feel that when an opportunity offers itself, through the concurrence of the Assembly, in a bill condoning or canceling provincial indebtedness under certain conditions, making a further appropriation indirectly for the benefit of schools, not only now but for the next ten years to come, that that opportunity should be overlooked. Each year in future the provinces will have the additional cedula tax and an additional 10 per cent internal revenue for roads, together with such ordinary appropriations as the Commission and the Assembly shall make for them. On the other hand, the money which is obtained for school construction in the provinces must be obtained by a specific law each year. All we get, and all we have got in the last year, has been the additional 5 per cent of the internal-revenue taxes for municipal school work; so that, even taking into consideration the relative scope of the two systems, I think that there has been some inequality in the division of the proceeds, and if by diverting this indebtedness now proposed to be canceled, amounting to some ₱700,000, excluding the city of Manila, we can give certain provinces for which no money has been appropriated by the Commission for school funds up to the present time a certain amount each year for ten years, to be used in the construction of school buildings, I do not believe that the road system will suffer greatly by the loss of that money,

but I do believe that apart from the actual money furnished on appropriation it will be an immense encouragement to the provincial governments and the people and will serve to keep their school funds alive. I feel that in the next ten years the sum of ₧700,000 would not be of any great assistance distributed over a dozen or more provinces which owe that amount to the Insular Government, but the establishment of school funds in those provinces which now have none will serve as a nucleus and will encourage the school authorities and provincial government officials to keep that fund alive and add to it from time to time by voluntary subscription. It amounts to only ₧70,000 a year for the next ten years, and that would hardly scratch the surface in road construction, but would do a great deal to encourage the maintenance of school funds in those provinces.

Commissioner FORBES. I would like to call attention to the fact that this bill does not specifically appropriate the funds, but is merely an enabling Act to give the provinces the right to choose what they prefer to use the money for, whether for schools or for public works. In other words, Mr. Shuster's plan is to limit the autonomy of the provinces and decide for them what is the more important right here and now. The plan of the proposed bill is to allow those who are on the ground and more familiar with local needs to say from year to year as the ten years go by what purpose the money could be best put to. Personally, I do not think the amendment suggested would make very much difference in the practical application of the money, because I have noticed that both on the part of the Insular Government and on the part of the provinces and municipalities the importance of schools has been acknowledged and has taken precedence, while the importance of roads has not been so well recognized and in fact has been uniformly neglected. The result is that we have a lot of territory which we can not develop at all, because the people can not get their products to the markets, and the Islands are not prosperous I think very largely in consequence. I do not care to enter into an argument with Mr. Shuster as to the relative merits of schools and roads. Both of them are important and valuable, and I think an argument of that kind would be useless. I am ready to admit the importance of the schools, and I am quite sure he recognizes the importance of roads, as his vote in the past has indicated. I will say, however, in answer to his argument that because the

₱700,000 would be scattered over a number of provinces a very considerable period of time it would not make very much difference to the roads, that it would make ₱700,000 difference, if the whole of it should be available, and that is a large sum of money and can do a great deal of good. Seven hundred thousand pesos would construct probably 70 miles of good road. However, the question, it seems to me, is whether we want to decide right here what is the best use for their money or to leave it to them. I suggest that it be left to them.

The PRESIDENT. Does any other member desire to be heard on this question? [After a pause.] Now, I desire to say on this question that as an abstract proposition the provinces should be allowed to spend their own money as they please, within certain limits and within the provisions granting them autonomy in those matters; but this money does not belong to the provinces. It belongs to the Insular Government. It is a question merely of giving it to the provinces, and the Insular Government has a right to indicate what it thinks the money should be spent for. More or less, I am convinced, as is Commissioner Forbes, that this country never can be prosperous until roads are constructed and ways of communication opened up, so that the farming people may get their products to market. I am likewise convinced, however, that we never can get the ways of communication opened up until there is a change of public sentiment among the mass and body of the people, and that that change can only be brought about when they are confronted with the proposition that without roads they can not get to market and much of their labor is lost. Some of the provinces are already convinced of this, and they have done some very excellent work along those lines, because the prominent men, the men of means and the men engaged in farming, studied the question and came to realize that they were paying large taxes for bad roads and no taxes at all for good ones and that by paying a tax for good roads they would greatly reduce the tax they were paying for bad ones. Notable among those provinces are Laguna and Pangasinan, and also to a very considerable extent Occidental Negros.

Commissioner FORBES. Cebu.

The PRESIDENT. Cebu is entitled to no credit for its road construction, because that has been done largely from Insular funds.

Commissioner FORBES. For road maintenance it is entitled to credit.

The PRESIDENT. Yes, for maintenance, probably it is. Under those circumstances, the only way that the mass of the people, not the educated and disinterested element, but the mass of the people misled by agitators or by their own lack of knowledge of the situation, can be convinced of the real necessity of anything is by practical, hard experience, and they must be brought to a realization of the fact that they must take some measure to improve their roads and their ways of communication, and every bit of assistance that they get out of the Insular Treasury is simply a postponement of that day. For nearly three years there was great opposition in the Commission to the loaning of money to the provinces, for the principal reason that it constantly gave the people the idea that the Insular Government was collecting all the taxes and that there was no responsibility in the provinces and municipalities for the maintenance of their local governments. I think that one year's experience with the actual proposition of being forced to rely on their own funds for the support of their local governments has been of more value than all the talking we have done here. Already we can see the beginning of a sentiment in favor of taxation to support their local governments. They ask for local autonomy in the separation of municipalities. These requests come in every day. They have a concrete proposition before them and we are getting a change of sentiment, and it seems to me, as Mr. Forbes very aptly said, that it is pretty hard to determine which one of those two things is more important to the people, and I am just as loath as he is to say that in the end one is really of more importance than the other. They are both of vital importance to the people, but in order to get good roads in these Islands, as I said before, I am convinced that it is a question of education, either of practical education or by instruction in the schools to bring about the proper sentiment.

Commissioner TAVERA. I believe that the construction of good roads is very important here, but we meet with the difficulty that the mass of the people do not comprehend the importance of good roads, while they go to school gladly and are satisfied to see money spent on the schools. Not comprehending the importance of ways of communication, we can not expect any initiative on the part of the people to meet expenses for roads. It seems to me that things which have not been done by the Government will not be done by the initiative of the people, and that we shall reach that

initiative only when public instruction has given greater results; and as the bill we are discussing involves only a comparatively small amount, if we divide it we will not have much either for schools or roads. I believe it is better to turn it all into the schools, leaving it to the people to find out that the roads are going to be lost if they don't take care of them. The educated part of the people is in favor of the road law, for example, but these educated people do not dare to speak in favor of the subject to the masses of the people, because they want to retain their sympathy in the elections. A small part of the educated people do not dare to say anything in favor of the road law because they fear that they will be lowered in the estimation of the people, who do not want it because they are not sufficiently educated to appreciate its advantages. Again, if the small amount under discussion were to be used for public works the roads would continue in bad condition, because the class of roads they would construct would be of no value without constant care and would become worse instead of better. For these reasons, I propose that this money be spent only for public schools and that later we can expect something from the initiative of the people for good roads.

Commissioner LUZURIAGA. I realize, as do the other members of the Commission, the importance of both public schools and of roads in these Islands, but in the provinces there is truly a real and very great lack of roads, not only for the people to bring their products to market but for the children to get to school. Since information got abroad that the indebtedness of the provinces to the Insular Government was to be canceled I have received many letters from the provinces asking that at least half of the amount canceled be used for the repair of roads. For example, I have one from Occidental Negros to this effect, a province in which most of the children attend the schools. I propose that the money in question be divided, and that one-half be allotted to school construction and the other half to road work.

The PRESIDENT. Well, gentlemen, are you ready for the question?

Commissioner SHUSTER. Question.

The PRESIDENT. The question is, Shall that portion of Assembly Bill No. 1 making provision for the setting apart of some of the moneys for the construction of roads, bridges, and other public works be stricken out? All in favor of the amendment will please

signify the same by saying "Aye;" all opposed, "No." The ayes have it.

(Commissioners Luzuriaga and Forbes requested that they be recorded as having voted in the negative.)

The PRESIDENT. A majority having voted in favor thereof, the motion prevails.

Commissioner SHUSTER. I now move that when the committee do rise it recommend to the Commission that the bill be recommitted to your committee with instructions to further amend the bill as agreed upon in Committee of the Whole.

Commissioner TAVERA. I second the motion.

The PRESIDENT. It has been moved and seconded that when the committee do rise, Assembly Bill No. 1 be recommitted to Commissioner Shuster, with instructions to amend the bill by striking out the requirement that any of the funds expended by provincial or municipal governments in consideration of the cancellation of loans shall be used for roads and bridges or other public works, so that all moneys so expended shall be for the construction of public schools only.

All in favor of the motion will please signify the same by saying "Aye;" all opposed, "No." The ayes have it.

Commission Bills Nos. 16, 17, 18, and 19 having been considered without important discussion,

On motion by the President,

The Committee of the Whole rose.

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

MONDAY, JANUARY 13, 1908.

SUBJECT: Amendment of Cattle Registration Law (Act No. 1147) in certain particulars, and its extension to the city of Manila.

The PRESIDENT. Commission Bill No. 25, entitled "An Act to amend Act Numbered Eleven hundred and forty-seven, as amended, regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estray or large cattle captured or seized by the Philippines Constabulary or other peace officers," having been read the first and second times, the Commission is now in Committee of the Whole for the purpose of considering it section by section.

Commissioner SHUSTER. I will explain that the committee, consisting of Commissioner Luzuriaga and myself, has redrafted the entire proposed law so that only such changes in the existing law or amendments of the existing law as are recommended are set forth in this bill. In other words, instead of repealing the Cattle Registration Law as it now stands, with its amendments, and enacting an entirely new law in accordance with the original instruction of the Commission, your committee has prepared a bill specifically amending a number of the sections of Act No. 1147, it being impossible to incorporate an entirely new bill in the compilation at its present stage, as it is thought the Commission had in mind at the time the preparation of an entirely new bill was directed.

The first amendment is to section 7 of Act No. 1147, by adding a proviso at the end of the said section authorizing the branding

or marking of horses with the brand of the owner and the municipality in the right ear and left ear, respectively, or the photographing of the animal, instead of requiring branding upon the flanks as in the case of all other large cattle. This amendment is made advisable by the proposed extension of this law to the city of Manila, where there are a number of very fine horses whose owners do not favor having them marked by branding on the flanks. The amendment suggested, however, is applicable not only to the city of Manila but to all other municipalities of the Philippine Islands.

The next amendment is one to section 8 and provides merely that the municipal treasurer shall notify the senior inspector of Constabulary of the province whenever a certificate of registration or transfer of large cattle is either issued or canceled.

The next amendment is to section 25, in the form of a substitute for that section, and contains a number of amendments which have been suggested to the committees that have worked upon this bill.

The next is to section 30, and is in the form of a substitute for that section. It provides for the production and surrender of the certificates of ownership or transfer before the permit is granted by the municipal treasurer for the slaughter of large cattle.

The next amendment is to section 33 and is in the form of a substitute for that section. It provides for the reporting of the death of large cattle to the municipal treasurer, the surrender of the certificates of registration and transfer of the animals which have died, and the cancellation by such municipal treasurer of such surrendered certificates. Penalties are provided for failure to comply with the law and also for the slaughter or killing of cattle at the municipal slaughterhouse except upon permit duly secured from the municipal treasurer.

The next is to section 34, by adding to that section a proviso to the effect that on and after January 1, 1909, any unregistered large cattle of the age of two or more years found in the Philippine Islands shall be seized and confiscated to the municipality in which the said cattle are found, unless it shall be proven that the animals seized are not required to be registered in accordance with the provisions of the Cattle Registration Law.

The next amendment is to section 37, by substituting therefor a new section providing that the Act shall be put in force in the city of Manila, and that the duties performed by municipal and

provincial officials shall in the city of Manila be performed by the Collector of Internal Revenue, ex officio city assessor and collector.

As Act No. 1147 now stands, section 37 thereof exempts the city of Manila from the provisions of the law.

Section 8 of the proposed law is a new section and provides that before transportation companies, railroads, etc., shall accept cattle for shipment—that is, as common carriers—they shall be required to exact the exhibition of the certificate of ownership.

The next section, No. 9, contains a general provision to punish any official or other person who fails, refuses or neglects to perform any of the duties enjoined upon him by the Act.

Section 10 specifically repeals section 27 of Act No. 1147, as amended, and all other Acts and parts of Acts inconsistent with the proposed Act.

With this preliminary explanation, I move that the Commission take up the consideration of the proposed law section by section.

Commissioner LUZURIAGA. I second the motion.

(The motion prevailed.)

The PRESIDENT (after the reading of several sections). It is evident that if we take up this bill now we will be unable to finish it at this session, and I therefore move that when the Committee of the Whole do rise it recommend to the Commission that further consideration of Commission Bill No. 25 be made a special order for Tuesday, January 14, 1908, at 9 o'clock antemeridian.

Commissioner TAVERA. I second the motion.

(The motion prevailed.)

Commissioner TAVERA. I move that the committee do now rise.

(The motion prevailed.¹)

WM. H. DONOVAN, *Secretary*.

¹ *January 14, 1908.*—Consideration of Commission Bill No. 25 postponed until Wednesday, January 15, 1908, at 9 o'clock antemeridian. (See p. 188.)

January 15, 1908.—After an informal discussion in Committee of the Whole with reference to Commission Bill No. 25, the committee rose and recommended the recommitment of the bill to the select committee reporting it, with instructions to amend it in certain particulars. (For report of Committee of the Whole, see pp. 195–197.)

January 30, 1908.—Commission Bill No. 25 reported back by select committee with further amendments. Report adopted and bill further amended on third reading and passed. (See pp. 246–251.)

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

FRIDAY, JANUARY 17, 1908.

SUBJECT: Telegraph Message Act.

There being present at the invitation of the Commission Messrs. Loyzaga, Goicuria, Campilla, and Guevara, representing the newspapers *El Comercio*, *La Libertas*, *El Mercurio*, and *Vida Filipina*, respectively, the President stated that the Commission would take up the consideration of Commission Bill No. 17, entitled "A Bill to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams."

Mr. Loyzaga suggested that Attorney Kinney, who prepared the original draft of the bill, should be present. He was informed that an effort had been made to reach Mr. Kinney without success, but that Mr. Lawrence, his partner, was in the building and might be called in until Mr. Kinney's arrival. Mr. Lawrence was thereupon admitted.

THE PRESIDENT. I have just read section 3, which provides that the publication of a telegram headed "By telegraph," together with the name of the paper, and the date and hour of its receipt and publication, shall be prima facie proof that the paper received such telegram. For example, if a telegram is stolen from *El Comercio* by the *Manila Times* or *Cablenews-American*, we will say, for the purpose of illustration, the *Times* or *Cablenews-American* must publish it the day preceding the day *El Comercio* will publish it.

Now, it publishes such stolen telegram under the heading "By telegraph," with the hour and date of its receipt and of its publication, and, as this law is drawn, that statement is made *prima facie* proof that the Times or Cablenews-American received such telegram and the real owner can not therefore publish it.

Mr. LOYZAGA. In drafting the bill, undoubtedly Mr. Kinney had in mind to say that in order for a newspaper to enjoy the protection of this law it should publish the telegram with the heading "By telegraph," together with the date and hour of receipt, and that the original of such telegram would be *prima facie* proof of its receipt, because the mere publication of a telegram in the newspaper can not constitute *prima facie* evidence.

The PRESIDENT. The difficulty is that the telegram itself does not show the hour of its receipt by the newspaper, but only shows the hour of receipt at the cable office.

Mr. LOYZAGA. Whenever we receive a telegram we have to sign a receipt for it showing the hour it was received by us.

Now, in line 12 of the Spanish text I would like to suggest that instead of the words "esta manifestación" the words "su texto" be used. This would involve the substitution of the words "the statement" in line 13 of the English text by the words "its text."

The PRESIDENT. That would not be *prima facie* proof of the statement made at the head of the publication.

Mr. LOYZAGA. I mean it to be proof of the truth of the existence of such telegram.

Referring to section 4, I think this is simply complementary to section 3 and might be joined with it.

The PRESIDENT. I think also it would be better to consolidate the sections.

Mr. LAWRENCE. Referring to section 2, I would like to suggest that a Government official receiving a telegram officially could not be said to be receiving it for publication.

The PRESIDENT. I think it would be proper to leave out the Government lines in section 7.

Mr. LAWRENCE. If a Government official should receive a telegram over a private line it would be the same thing.

The PRESIDENT. No, I think not, because every telegram that is received over Government lines ought to be published in all newspapers, or in none.

Mr. LOYZAGA. I think that that is just.

The PRESIDENT. Separate and apart from the other sections, section 2 is all right. I think section 7 might be made to read as follows:

SEC. 7. As used in this Act, the term "telegraph company" shall include all persons, associations, or corporations engaged in the business of receiving and sending, for hire, telegrams for the public, and this Act shall apply to all private messages intended for newspaper publication sent over telegraph lines owned or operated by the Government of the Philippine Islands or the United States military authorities in the said Islands now or hereafter open to public use.

Mr. LOYZAGA. I think that that would be satisfactory.

The PRESIDENT. Now, referring again to section 2, we find that if lines 14 and 15 are allowed to remain in the law as they now read it will be an undue interference with the privileges of private persons. For instance, we will say, there is published to-night in the Manila Times that a prominent man has been killed or that the Japanese minister has resigned; there is a mail going to the provinces and I have a friend there to whom I wish to give this information and I sit down and write him a letter. There is no harm in that, because it is not for publication, but this law, as it is drawn, prohibits any person from writing a letter about the matter within forty-eight hours. I think really there is no necessity of that.

Mr. LOYZAGA. I wish to say, gentlemen, that this is one of the most important points of the law. The Times, we will say, publishes a telegram to the effect that the Pope is dead. In Manila there are many correspondents, and this notice might be sent by them by telegraph to all the papers in the provinces. There is only one paper in Manila that has a correspondent in Rome, and if that paper accepts the suggested amendment the money expended for its correspondent would be lost.

The PRESIDENT. I think that in lines 9 to 15, inclusive, the words "no other person, association, or corporation, whether a member of or a subscriber to any such person, association, or corporation, shall, without the consent in writing of such person, association, or corporation by whom such message shall have been received, print or publish in any newspaper or in any letter or circular, or other printed or written communication," might be stricken out and the words "no other person, association, or corporation shall, without the consent in writing of such person, association, or corporation by whom such message shall have been received,

print or publish in any newspaper, in any printed circular, or in any other printed form or communication." This amendment would not prohibit anybody from writing a letter, but it would prohibit its publication.

Mr. LOYZAGA. I think the wording is very well as it is, but I desire to suggest a small amendment in line 15 by inserting after the words "or other printed or written communication" the words "nor transmit to the provinces by telegram for the purpose of publication."

The PRESIDENT. Very well, that can be added at the end of the amendment suggested by me.

Mr. LOYZAGA. Now, I think the question arises as to whether the violation of the provisions of this law would be a private or public offense.

The PRESIDENT. It would be a public offense.

(At this point Attorney Kinney arrived.)

The PRESIDENT. Mr. Kinney, Mr. Loyzaga has just stated that there is some question as to whether the violation of the provisions of this proposed law, if passed, would be a public or a private offense, and I have answered him that it would be a public offense.

Attorney KINNEY. I agree with you, sir. I think there is no question about its being a public offense.

The PRESIDENT. The only private crimes are those which were made so by Spanish law before American occupation.

The President then explained to Mr. Kinney the amendments proposed to be made to sections 2 and 3, to which Mr. Kinney agreed.

Mr. Guevara, of *La Vida Filipina*, was then recognized and stated that he believed that the person who prepared the original law had in mind the protection of persons and corporations who expend large sums of money for telegrams, but that it should also be remembered that the Filipino newspapers had correspondents in the provinces who send them telegrams, and that these telegrams are copied by other papers who had no correspondents in the provinces. Therefore he thought that if those newspapers which have correspondents outside the Philippines are to be protected the Filipino newspapers should be protected also in copyrights of telegrams which come to them from the provinces. The President stated that he believed that the bill did protect such newspapers, but Mr. Guevara suggested that he had in mind also correspondence by mail.

Commissioner Tavera asked him in what way he proposed to furnish this protection to mail communications; how for instance, if La Vida Filipina received a letter from Pangasinan and ten hours later some other paper published a similar letter, he could prove that that other paper had not received such letter. Mr. Guevara answered that if he published an article in his paper on one day and the next day another article similar to his appeared in another paper he should still have the right to make that other paper prove that it had received it as an original communication. The President pointed out that such a provision would be apt to give rise to many unfounded charges. Mr. Loyzaga explained that messages of general interest which might come by mail from the provinces would be sure to come in previously by telegraph, because all the notable occurrences either north or south of Manila are immediately telegraphed to the capital. Mr. Guevara admitted that it was true that nothing of note happens in the provinces that is not immediately telegraphed to Manila either by Constabulary officers or by provincial officials, but that there are things which happen of which neither Constabulary officers nor provincial officials have any knowledge. For instance, when a paper sends a correspondent to the provinces to accompany some Government official on an official trip it has to pay for that correspondent and other papers make use of the information he sends in without being put to any expense whatever, so that the papers which pay for correspondence of this kind should be protected as well as newspapers that pay for telegraph correspondence. The President suggested that Mr. Guevara write out his proposed amendments and send them in to the Secretary.

Referring then to that section of the bill under which an infraction of the law would be considered a public offense, Mr. Guevara stated that he believed such a provision to be against all right and justice, for the reason that the object of the proposed law was to protect purely private rights which can be waived by private parties. The President, however, was of the opinion that if a telegram is considered as property and it should be stolen, such theft would constitute a crime the same as the theft of a carabao, but Mr. Guevara insisted that the publication of some one's else telegram can not constitute a theft, and, he stated, if such publication should be declared to be a public crime he might give tacit consent to have some one else publish his telegram and it would then be the duty of the prosecuting attorney to prosecute him. As he understood it, in

considering the proposed law the Commission was dealing with the question of protecting private rights or of punishing falsification; that, in the first instance, private rights could be protected under existing civil laws, and, in the second instance, falsification could be punished under existing criminal laws, and he did not believe the penal provisions in the bill under consideration to be necessary. The President explained that theoretically Mr. Guevara no doubt was right, but that practically nothing of the kind would happen; that, for instance, if a man should lose his watch and failed to report the fact to the police it was not at all likely that somebody else would go and report it for him, and again if a man went to the prosecuting attorney and stated that he had seen in the Manila Times a telegram which belonged to El Comercio and believing that it was robbery demanded the prosecution of the Times, the prosecuting attorney would ask him if he could take oath that he had seen the original telegram and that the telegram in the Times was an exact copy thereof, and it was not likely that he could do this without taking the matter up with El Comercio and going to a great deal of trouble.

Mr. Guevara then resumed his seat.

Commissioner Shuster moved that the Committee of the Whole do now rise, which motion prevailed.

WM. H. DONOVAN, *Secretary*.

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

SATURDAY, JANUARY 18, 1908.

URGENT BUSINESS.

SUBJECT: Competition of the Subsistence Department of the United States Army with local merchants.

Commissioner SHUSTER. I would like, if I may, to present a matter of urgent business. I am in receipt of a communication from Mr. Loewenstein, of Castle Bros., Wolf & Sons, in which he requests me to present it this morning with the view of ascertaining whether some remedial action can not be taken for the unfair competition to which his firm is being constantly subjected, referring specifically to the case of the bid which he has offered for the furnishing of some one hundred cases of groceries to the Civil Hospital. I informed Mr. Loewenstein that at least twice on different occasions while I was Insular Collector of Customs I had taken a very strong stand on this subject; that the matter had been taken up and favorably acted upon by the Commission, but that the decision of the authorities of the War Department had been unfavorable; and that I therefore thought it of no avail again to present the matter to the Commission. Mr. Loewenstein insisted, however, that the matter was of such vital importance to commercial interests here that the Commission should again have the matter presented to it, and for this reason I agreed to present it this morning. With the permission of the President, I will read the letter.

The PRESIDENT. Let the letter be read.

Commissioner Shuster thereupon read the following letter:

MANILA, January 18, 1908.

MY DEAR MR. SHUSTER: I have just made the unpleasant discovery that because we are obliged to pay customs duties on our importations we are unable to compete with the Subsistence Department of the United States Army, which does not pay duties, for the business of the Civil Hospital. As you are aware, under an order of the Secretary of War the Civil Hospital is permitted to purchase its supplies from the Subsistence Department. We have just submitted our prices on about 100 cases of groceries, and find that but for the duties our figures would be as low, or lower, than those of the Subsistence Department.

Our firm is one of the largest contributors to the revenues of the Insular Government, having paid last year in import and export duties ₱450,000, whereas our payments for internal-revenue taxes, licenses, stamps, etc., exceeded ₱30,000.

It is most discouraging that because we pay these taxes we should be disbarred from any part of the business which the Insular Government has to place. Unfortunately conditions in these Islands at the present time are such that we are dependent, to some extent, on the business of the Insular Government, otherwise I assure you I would not trouble you about this matter.

As to the wisdom of the policy which makes the above condition possible, I have no comments to make, preferring to let you judge for yourself.

It is very much in line with that which compels us to sell smoked bacon which costs us 35 centavos per pound, inclusive of a customs duty of 3 centavos, at 28 centavos, simply because soldiers are selling their surplus rations at this price to our customers, thereby depriving the Insular Government of the customs duties and the merchant of his legitimate business.

I wish simply to call your attention to this because I know that you have always felt very strongly on this subject.

Yours, very truly,

M. F. LOEWENSTEIN.

HON. W. MORGAN SHUSTER,

Secretary of Public Instruction, Manila, P. I.

THE PRESIDENT. So far as the Civil Hospital is concerned, I do not see why we can not reach that administratively, by forbidding them to purchase supplies from the Commissary Department.

COMMISSIONER SHUSTER. I suggested that to Mr. Loewenstein, and asked him why he did not take it up with the Director of Health and the Secretary of the Interior, and said that if in presenting the matter to them he drew their attention to the fact that the additional moneys paid on the higher price which he had to ask on account of customs duties go back into the Insular Treasury, orders would undoubtedly be given to the Bureau of Health

that they purchase nothing more from the Army. Mr. Loewenstein, however, thought that that would not be done, because the Director of Health is called upon to make the best possible comparative showing for his Bureau, and he buys his supplies where he can get them cheapest, whether it be from the Subsistence Department or the merchants. He stated that this brought up the entire question which he and other commercial firms have been fighting for the past four or five years, to wit, the sale of surplus commissary stores, which have not paid customs duties, and of which every month a large quantity is thrown upon the market here in competition with supplies which the merchants are endeavoring to sell to the public.

I may recall to the Commission that some three and a half years ago, if I recollect correctly, the military authorities proposed to sell here a large amount of accumulated surplus commissary supplies. Protests were made to me as Insular Collector of Customs by merchants, including Castle Bros., Wolf & Sons, that their business was threatened by the sale of these supplies. I presented the matter to the Commission and recommended strongly that the duty be assessed on these supplies when they were sold for public consumption in these Islands. The Commission agreed with that view and made that recommendation to Washington, but the decision was for the second time unfavorable to the contention of the Insular Government. However, the cable records will show, if I am not mistaken, that it was said in the reply cablegram from Washington that no more large amounts of these surplus commissary stores would be sold in the Islands. In other words, that the case would not occur again. I believe that no one case of a large amount has occurred since, but there continues this monthly sale of surplus commissary stores, which are sold by the company messes and troops in order that they may have the money to buy various additional things for the soldiers. On these supplies so sold no customs duties are collected. Castle Bros., Wolf & Sons claim, with an apparent show of reason, that their business in bacon and various other staple articles that are included in the soldiers' ration is absolutely ruined, and that they constantly find that these goods are being disposed of to the public and small dealers. They are frequently underbid—in the case of bacon by 4 or 5 centavos a pound. I tried to convince Mr. Loewenstein of the fact that this question was *res adjudicata*, having been decided twice by the War

Department, and that I could not see that anything would be gained by presenting the matter again, when the Commission had already done all that it could do to induce the Home Government to take a different view of the situation, but, as I stated before, he insisted that the matter was so vital to him that he had to make a fight, and he urgently requested that, as one familiar with the circumstances in the past, I immediately present this petition of his to the Commission, which I have done.

The PRESIDENT. I think the communication ought to be referred to Commissioner Worcester, Secretary of the Interior, with the suggestion that it would probably be better for the Bureau of Health not to purchase its supplies from the Army under the circumstances mentioned.

Commissioner FORBES. Dr. Heiser will decline to pay one peso more for one single thing than he has to pay. If he can see a saving for his appropriation anywhere, he will save it.

The PRESIDENT. While that is very commendable, yet I think that in a case such as has been explained to us that should not be done. I move that when the Committee of the Whole rises, we recommend to the Commission the adoption of the following resolution:

Resolved, that the Secretary be, and is hereby, directed to transmit a copy of the letter of M. F. Loewenstein to the Secretary of the Interior, with the suggestion that the Commission has, on two different occasions, taken the stand that the Army should not be permitted to sell its supplies to the public in the markets of the Islands without paying the regular customs duties on such supplies; that the attitude of the Civil Government will appear somewhat inconsistent if it encourages purchases by Bureaus and Offices of the Government of such supplies from the Army to the disadvantage of local merchants who have paid duties and who of course can not sell their goods at as low prices as the military, whose goods are imported duty free; and that it is the sense of the Commission that the Bureau of Health should be instructed not to purchase its commissary supplies from the military authorities, or that, if it does purchase such supplies from the Army, that it pay the usual customs fees on such goods; and

Resolved further, That a copy of the communication of Mr. Loewenstein, accompanied by a copy of the foregoing resolution, be furnished the Commanding General, Philippines Division, requesting comment in so far as the sale of Army supplies to dealers in the open market without payment of duties is concerned.

Commissioner SHUSTER. I second the motion, sir.

The PRESIDENT. The Secretary will read the resolution.

(The resolution was thereupon read by the Secretary.)

The PRESIDENT. It has been moved and seconded that the resolution which you have just heard read be adopted. All in favor of the motion, please signify the same by saying "Aye;" all opposed, "No." The ayes have it.

Commissioner SHUSTER. I move that the committee do now rise.

The PRESIDENT. You have heard the motion; all in favor of it will please signify the same by saying "Aye;" all opposed, "No." The ayes have it.

The committee thereupon rose.

WM. H. DONOVAN, *Secretary.*

First Philippine Legislature.

Inaugural Session.

PHILIPPINE COMMISSION.

IN COMMITTEE OF THE WHOLE.

THURSDAY, JANUARY 30, 1908.

SUBJECT: Assembly Bills Nos. 120 and 117.

The PRESIDENT. The Commission is now in Committee of the Whole for the purpose of considering Assembly Bill No. 120, entitled "An Act appropriating the sum of ten thousand pesos from Insular funds, and five thousand pesos from the funds of the city of Manila, for the purpose of aiding the carnival which is to be held in the city of Manila in the year nineteen hundred and eight," and Assembly Bill No. 117, entitled "An Act extending the time within which provincial boards may remit the collection of the land tax in their respective provinces," in the order named.

Assembly Bill No. 120 has been read the first and second times, and I now move that the Secretary be directed to spread the bill in full upon the minutes of this meeting of the Committee of the Whole.

Commissioner SHUSTER. I second the motion.

The PRESIDENT. It has been moved and seconded that Assembly Bill No. 120 be spread upon the minutes of this meeting of the Committee of the Whole in full. All in favor of this motion will please signify the same by saying "Aye;" all opposed, "No." The ayes have it, and it is so ordered. The bill is as follows:

[A. B. No. 120. Philippine Assembly. Introduced by the Committee on Appropriations on January 24, 1908. Approved by the Assembly on January 25, 1908.]

An Act appropriating the sum of ten thousand pesos from Insular funds, and five thousand pesos from the funds of the city of Manila, for the purpose of aiding the carnival which is to be held in the city of Manila in the year nineteen hundred and eight.

By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. The sum of ten thousand pesos is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, for the

purpose of aiding the carnival which is to be held in the city of Manila in the year nineteen hundred and eight; for the same purpose, the sum of five thousand pesos out of the funds appropriated for the city of Manila is hereby declared available: *Provided, however,* That the funds hereby appropriated are subject to the condition that the persons, associations, or corporations of the city of Manila interested in the celebration of the said carnival shall guarantee that another fifteen thousand pesos shall be expended for the expenses of the said carnival, the form of such guaranty and the sufficiency of the sureties to be approved by the Insular Auditor: *And provided, further,* That at no show or exhibition given or made by the Carnival Association shall there be exposed non-Christian tribes of the Philippine Islands, unless previously and expressly authorized by the committee created by section two of this Act.

SEC. 2. The aforesaid sums of ten thousand and five thousand pesos shall be disbursed by the Insular Treasurer for the expenses approved by a committee composed of three members, of whom one shall be appointed by the Governor-General, the other by the Speaker of the Assembly, and the third by the two after they shall have been appointed.

The funds appropriated by this Act shall, after payment of all the debts and obligations contracted by the Carnival Association and approved by the committee aforementioned, be returned to the Insular Treasury and shall constitute a permanent special fund which shall be destined for the celebration of the Carnival in the following years until otherwise provided by the Philippine Legislature.

SEC. 3. This Act shall take effect on its passage.

THE PRESIDENT. I am of the opinion, after reading Assembly Bill No. 120, that it was the clear intention of the Assembly, in the last paragraph of section 2, to cover the balance of any moneys which might remain after the debts and obligations of the Carnival Association have been paid. In view of the fact, however, that the first session of the Legislature is approaching a close, and as it appears clear from the general context of the bill what was intended, I am of the opinion that it would be inadvisable to attempt to amend it, and I therefore move that when the Committee of the Whole do rise it recommend to the Commission the passage of the bill as received from the Assembly.

Commissioner SHUSTER. I second the motion.

THE PRESIDENT. You have heard the motion. All in favor thereof will please signify the same by saying "Aye;" all opposed, "No." The ayes have it.

There being no objection, Assembly Bill No. 117 will now be considered. The bill has been read the first and second times and any proper motion in reference thereto is now in order.

Commissioner SHUSTER. Mr. President, I think that the Commission should decline to concur in this bill.

The question of whether the land tax should be suspended throughout the provinces of these Islands has already been submitted to the provincial boards and they were, by Act No. 1713, given until December 1, 1907, to take action thereon.

Very fortunately for the continuance of our system of primary instruction, and for the payment of even the meager salaries which we are now able to afford to municipal and barrio teachers, in the great majority of the provinces the provincial boards did not suspend this land tax. To pass an enabling Act now, permitting all provincial boards to reopen this question, and, if they so desire, to suspend the collection of the land tax for the year 1908, would, to my mind, be unwise in the extreme, and if the law should result, as it probably would, in the suspension of the land tax in a considerable number of the provinces which have already decided to retain it for this year, it would mean that our primary instruction would be dealt a fatal blow.

At the present time, our whole school system is threatened at the very foundation by the fact that we have not sufficient municipal funds to employ enough primary teachers and to pay reasonable salaries to those whom we are employing. The average salary now paid to municipal teachers is between seventeen and eighteen pesos per month, and even this small wage would be denied them should the land tax be suspended.

The Secretary of War, who has always been greatly interested in the educational work out here, has become personally cognizant of the present weakness of our educational system, which is in the lack of funds available for the payment of the salaries of municipal and barrio teachers and for the construction and maintenance of school-houses for primary instruction.

In the Province of Ambos Camarines, where I understand that the land tax has been suspended for this year, it means that our primary schools are practically going out of business. The closing of the primary schools, or of any considerable number of them, would, to my mind, be the most serious retrogression, the most unfortunate reaction, which could occur to this Government. Not only would children who are desirous of obtaining an education and who, by virtue of the fact that their parents pay taxes, are

entitled thereto, be deprived of it, but the moral effect on the whole situation in these Islands would be most disastrous.

In my Annual Report as Secretary of Public Instruction for the fiscal year ended June 30, 1907, I discussed this question somewhat at length under the caption, "Support of schools from land tax," and I ask permission to insert in the record as a part of my remarks, the following extract:

It is perhaps proper to mention here that during the past year the educational work has successfully passed through a decidedly difficult period. The suspension of the land tax throughout the Islands, and the fact that the Insular Government was able to reimburse the municipalities and provinces to the extent of but 50 per cent of said tax, greatly diminished the municipal school funds, which are largely derived therefrom. So heavy, indeed, was the strain thus put upon the financial resources of the municipalities that, far from being able to greatly extend primary educational facilities, as it was eminently proper and desirable to have done, the question which confronted the Department was one of merely maintaining its existing facilities and work, although in some instances, notably in the Provinces of Iloilo, Zambales, La Union, and Pangasinan, it unfortunately became necessary actually to close down a number of barrio schools because of insufficient funds to maintain them in operation.

In view of this situation, and taking into consideration the fact that the further suspension of the land tax might become a subject of discussion before the beginning of the next calendar year, the undersigned deemed it proper to present a special report to the Commission on August 16 last, giving a full financial statement of the situation in these Islands with regard to primary instruction which is supported, with the exception of the text-books furnished by the Bureau of Education and the supervision of all municipal and barrio schools by American teachers, entirely out of municipal funds.

At that time the municipal school fund consisted of 5 per cent of the internal-revenue collections, amounting, for all the municipalities of the Islands, to approximately ₱375,000, and one-fourth of 1 per cent of the value of the taxable real estate in the municipalities, which, under the former assessment, approximated ₱730,000, thus giving a total municipal school fund for the Islands of ₱1,105,000 per annum with which to maintain the entire system of primary instruction for nearly half a million pupils, including the construction and equipment of the necessary schoolhouses.

Even had this amount been available during the last fiscal year, it would not have been sufficient to meet the present necessities of the work. As a matter of fact, there was actually expended for municipal school purposes during the past year the sum of ₱1,360,000, although the amount which entered the municipal school fund was only ₱922,500. This difference was made up by the generous and public-spirited action of numerous municipalities throughout the Archipelago in appropriating from their general municipal funds approximately ₱478,000 for primary school work.

Had the municipalities not appropriated this amount from their general funds, not only could no municipal school construction have been carried on, but it would have been absolutely impossible to pay a great number of municipal teachers, even at the extremely low rate of compensation which they receive. Furthermore, the municipal school funds did not receive during the last fiscal year what they were expected to receive when the present distribution of the internal-revenue collections and of the land-tax collections was adopted by the Commission. This was because during the last half of the past fiscal year, which corresponds to the first half of the present calendar year, only 50 per cent of the land tax which was remitted was made good by the Insular Government to the provinces and municipalities. It is evident, therefore, that for the last fiscal year the municipalities only received 75 per cent of the amount which it was contemplated by law that they should receive.

Under these circumstances, if the suspension of the land tax in all or a considerable portion of the provinces should be continued, the maintenance of primary instruction work in the Philippine Islands would have become practically impossible, unless other means should have been found to meet the losses to the municipal school fund which would thus have been caused. For example, if the land tax should be suspended for the coming calendar year and, as would undoubtedly be the case, the Insular Government should find itself unable to reimburse the provinces and municipalities for any portion thereof, the municipal school fund would receive only 25 per cent of the one-fourth of 1 per cent of the value of the taxable real estate in the municipalities which the law contemplates they should receive, or only ₱182,500 for all the municipalities in these Islands. For succeeding fiscal years the municipal school funds would not even receive this small proportion of the amount originally contemplated and would be dependent for their support solely upon the 5 per cent of the internal-revenue collections, amounting to approximately ₱375,000 per annum. It was pointed out by the Department that this situation would have meant the imperative closing down of four-fifths of the municipal schools in these Islands, which would have resulted in the practical abandonment of primary instruction work and necessarily, within a few years, of the entire public educational system.

It is safe to say that, so far as the economy of administration is concerned, primary school work is being performed as efficiently and cheaply as that of any other department, Insular, provincial, or municipal, in these Islands. The average wage of municipal teachers is ₱17.50 per month, which is a trifle more than ordinary messengers receive and not nearly so much as many other inferior classes of provincial and municipal employees are paid.

The primary school construction work which has been done has been of the plainest and most inexpensive kind and has been largely augmented by voluntary labor and contributions of money and materials by the people of the towns and barrios. The figures hereinbefore given in regard to municipal school funds do not include the aid received from voluntary contributions of labor, money, and materials made by the people them-

selves, without which practically no municipal or barrio schools could have been constructed during the past year.

In view of these facts, the undersigned submitted to the Commission a bill amending the Internal Revenue Law by providing that an increase of 5 per cent of the internal-revenue collections should be allotted to the municipalities and become a part of the municipal school funds. This proposition contemplated establishing as a nucleus a total municipal school fund for the Islands of only ₱750,000. On this basis, even if the land tax should not be again suspended in any of the provinces and should therefore go into effect on the 1st day of January, 1908, the municipal school fund would receive an addition of only ₱547,500, giving a total for the coming fiscal year for municipal school work of only ₱1,297,500 for the 640 municipalities and 3,000 barrios in these Islands. This amount will barely suffice to continue the municipal school funds on the basis of the actual expenditures last year, a period during which, due to a great scarcity of funds, it was possible to make only very limited progress in permanent municipal school construction. In case the land tax should be generally suspended, the amount of the school fund would be about ₱350,000 less than the sum contemplated by law, and ₱610,000 less than the amount actually expended last year.

Pursuant to this recommendation, the Commission on August 20, 1907, passed Act No. 1695, which provided that the municipal school funds should receive 10 per cent instead of 5 per cent as heretofore, thus giving an annual increase to said fund of some ₱375,000. While this amount is wholly inadequate to meet the actual demands of the situation, it is realized that the many calls upon the Insular Treasury for vitally necessary public works and for the current expenses of the Insular Government render any further increase of this fund improbable at the present time.

I desire to emphasize the fact that the general suspension of the land tax throughout the provinces would deprive the primary schools of over ₱1,000,000 annually, which they now receive from school and general funds. The loss would be fatal to our school work.

I presume that this bill has passed the Assembly as a result of petitions and requests by provincial boards that they be given an opportunity to reconsider their previous action in not suspending the land tax. I do not believe this measure is wise or that it would make for the happiness of the people of the Islands, and I do not think that the majority of the Filipino people desire that the primary schools in the provinces be closed, as would virtually be the result of this bill, if it should pass the Commission. I sincerely hope therefore that the Commission will not concur therein.

Commissioner TAVERA. Mr. President, I am opposed to the passage of this bill, for the same reasons stated by Commissioner Shuster. Moreover, before the passage of Act No. 1713, fixing the

time during which the provincial boards could remit the land tax, the provincial boards were consulted, and all agreed that the best time for paying the land tax and for determining this matter were the months of March, April, and May; so that I do not now see any justification or any necessity for changing the dates fixed by that Act.

Commissioner LUZURIAGA. Mr. President, I believe that the grounds stated by Commissioner Shuster and Commissioner Tavera for the rejection of this bill are very well taken, but I also have to look at another aspect of the question. I understand that some provincial boards have stated that they could not get together all the reports of their respective municipalities in order to solicit the suspension of the land tax, before the 1st of December of last year, and that only after that date they were able to learn of the true situation of those municipalities, some of which appear to be in very bad condition. If this is true, I believe that this period which they ask should be granted, provided that in case the land tax is suspended in any province, that part of it which is designed for school purposes and roads be retained. In view of the great damage which would be caused the Department of Public Instruction if this bill were passed in its present form, I am not disposed to vote for it, but as I said before, I would vote for it provided it were so amended that that part of the land tax which is used for public instruction and roads should be levied and collected.

The PRESIDENT. I desire to say, gentlemen, that, notwithstanding Act No. 1713, the provincial boards may on their own initiative suspend the land tax for general purposes and reduce the tax for roads and bridges to one-eighth of 1 per cent. Municipal councils have the power to suspend the collection of the land tax for general purposes and to reduce the tax for municipal schools to one-fourth of one per cent. Therefore, if this bill has any purpose whatever, it is that of bringing about a suspension of one-eighth of 1 per cent for roads and bridges and one-fourth of 1 per cent for municipal schools. Considering the bill in this light, I confess it does not impress me. The bill means, in its last analysis, that all taxes for schools and roads and bridges are to be suspended, and that, in its turn means, first, that no sacrifices are to be made by the local communities for public improvements, and second, the death of primary instruction in the Philippine Islands.

Attention is called to page 804 of the report of the Insular Auditor for the fiscal year 1907, from which it appears that, under

the head of "Miscellaneous receipts," the municipalities received from the Insular Treasury in lieu of the land tax, as per Act No. 1455, the sum of ₱690,757.56, and that the municipalities transferred from their general funds to the school fund ₱116,385.86. The loss of this money would mean the definite closing of the schools for lack of necessary funds to carry them on and to pay the insignificant average salary of seventeen or eighteen pesos per month to Filipino teachers.

In the majority of the provinces lands are held, as a rule, in small parcels, and the tax for roads and schools amounts to very little. Let us take the Provinces of Oriental Negros and Tarlac as concrete examples: the Province of Oriental Negros has 25,219 parcels of land, with an assessed value of ₱2,889,810, which would produce a net revenue of ₱3,612.26, or about 14 centavos per parcel for roads and bridges, and 28 centavos per parcel for public schools, or an average tax of 42 centavos per parcel. The total valuation of taxable property in the Province of Tarlac is ₱7,055,050, which at one-eighth of 1 per cent would realize ₱8,818.81 for roads and bridges, and at one-fourth of 1 per cent ₱17,637.62 for municipal schools. The total taxes divided by 29,486 parcels (the number of parcels subject to taxation), would amount to about 30 centavos per parcel for roads and bridges and 60 centavos per parcel for schools. It does not appear to me that a tax of 90 centavos per parcel of land in the Province of Tarlac is too much of a contribution for any citizen to make for the benefit of his highways and to furnish instruction to his children. I have selected these two provinces as they are provinces for which we have data. The data with respect to others will be compiled later, and will show that this condition is almost general throughout the provinces. Of course, persons owning large extensions of land would pay a higher tax. A person owing 20 hectares of land, assessed at ₱40 per hectare, would be taxed ₱1 for roads and bridges and ₱2 for schools; and a person owning 100 hectares of land would pay ₱5 for roads and bridges and ₱10 for schools.

I desire to say that at least three months will be necessary to prepare the tax books, and that the tax rolls and the tax books should be ready by March 1, 1908, which is the date fixed by law, on the recommendation of the provincial boards, for the beginning of the tax collection. If the provincial boards are to have until May 1 in which to determine whether they will or will not suspend the land

tax, no work will be begun on the tax books until that date, and that will mean that no collection of land taxes can be made until August 1, a period objectionable to all provinces for the collection of taxes.

Commissioner SHUSTER. Mr. President, I move that when the Committee of the Whole do rise, it recommend to the Commission that this bill do not pass in its present form.

Commissioner TAVERA. I second the motion.

The PRESIDENT. You have heard the motion; all in favor thereof will please signify the same by saying "Aye;" all opposed, "No." The ayes have it.

Commissioner TAVERA. I move that the Committee of the Whole do now rise.

The PRESIDENT. All in favor of the motion signify the same by saying "Aye;" all opposed, "No." The ayes have it.

The committee thereupon rose.

WM. H. DONOVAN, *Secretary*.

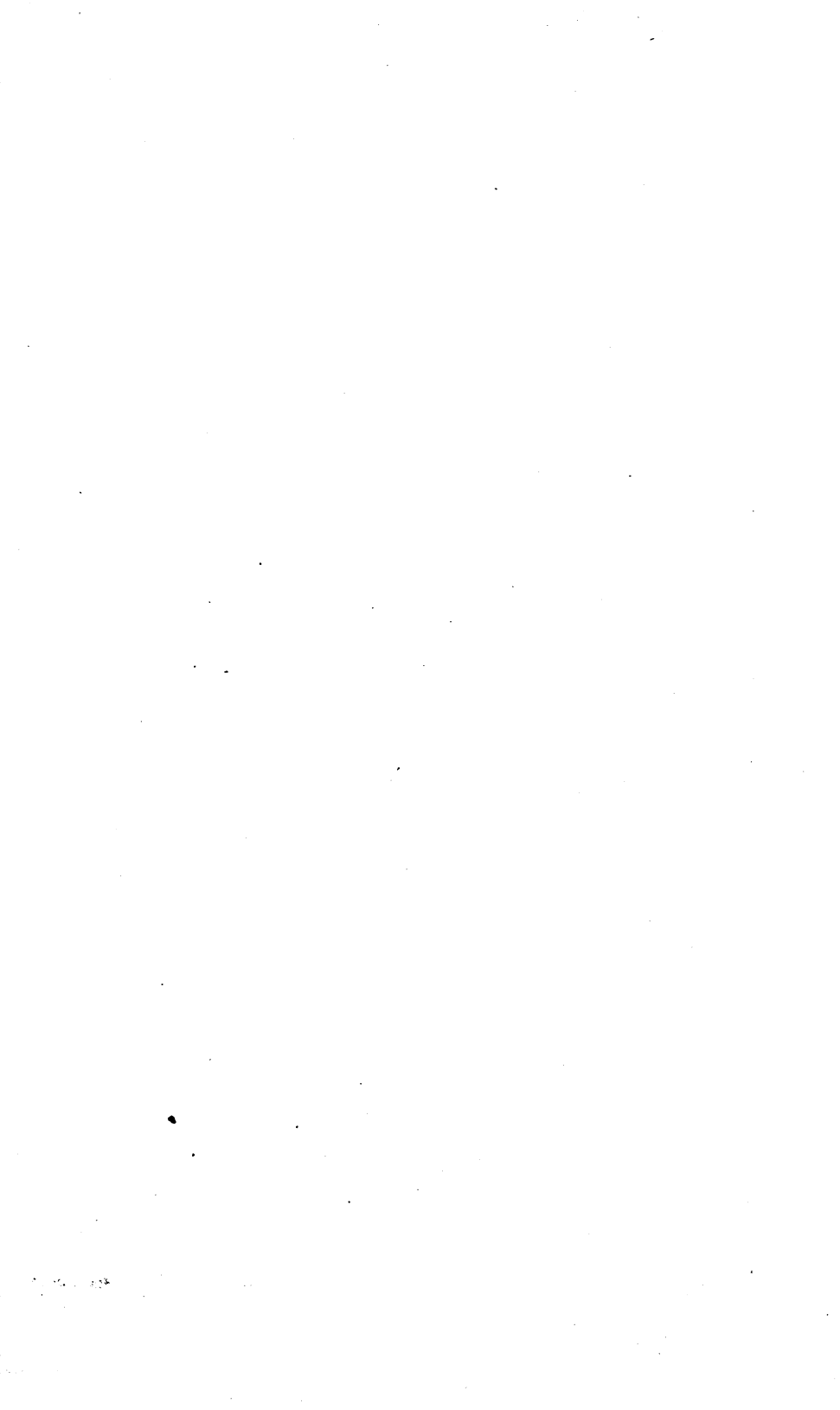
APPENDIX

CONTAINING

EXHIBIT TO MESSAGE OF THE GOVERNOR-GENERAL OF
OCTOBER 17, 1907, SHOWING PERCENTAGE OF REV-
ENUES EXPENDED BY MUNICIPALITIES
FOR PUBLIC WORKS

AND

A LIST OF THE MEMBERS OF THE PHILIPPINE COMMISSION
DURING THE INAUGURAL SESSION OF THE FIRST
PHILIPPINE LEGISLATURE.



APPENDIX.

[Exhibit to Message of the Governor-General of October 17, 1907.]

MUNICIPAL PUBLIC WORKS.

There is shown in the statement which follows the percentage which the expenditures for public works in each municipality bears to the total expenditures of that municipality for all purposes. The municipalities of each class are shown in their relative order of superiority in this respect.

Municipalities of the first class (population 25,000 or over).

Municipality.	Province.	Per cent.	Municipality.	Province.	Per cent.
Dalaguete	Cebu	27.71	San Pablo	La Laguna	11.59
Taal	Batangas	25.01	Imus	Cavite	11.33
Vigan	Ilocos Sur	24.42	Miagao	Iloilo	11.15
Batangas	Batangas	23.61	Barili	Cebu	10.78
Laoag	Ilocos Norte	23.59	Argao	do	7.48
Calasiao	Pangasinan	23.51	Lipa	Batangas	7.18
Mambajao	Misamis	22.11	Santa Bárbara	Iloilo	6.43
Carcar	Cebu	15.60	Cebu	Cebu	5.81
Sara	Iloilo	14.84	San Carlos	Pangasinan	5.29
Malolos	Bulacan	14.76	Janiuay	Iloilo	5.26
Iloilo	Iloilo	14.75	Dumanjug	Cebu	3.67
Camiling	Tarlac	14.70	Calibo	Capiz	3.00
Pototan	Iloilo	13.33	Sibonga	Cebu	2.95
Baliuag	Bulacan	12.05	Bauan	Batangas	2.69

Municipalities of the second class (population 18,000 or over and less than 25,000).

Aparri	Cagayan	41.11	Urdaneta	Pangasinan	21.50
Tanauan	Leyte	34.50	Dagupan	do	21.33
Candon	Ilocos Sur	32.46	Guinobatan	Albay	21.07
Iriga	Ambos Camarines.	28.76	Bago	Occidental Negros.	18.03
Burauen	Leyte	27.72	Macabebe	Pampanga	16.66
Boac	Tayabas	26.46	San Miguel	Bulacan	16.57
Malabon	Rizal	25.65	La Carlota	Occidental Negros.	16.08
Dagami	Leyte	24.85	Lubao	Pampanga	15.24
Silay	Occidental Negros.	24.18	Tabaco	Albay	13.37
Daraga	Albay	23.96	Lingayen	Pangasinan	13.26
Dingras	Ilocos Norte	23.89	Passi	Iloilo	13.11
Catarman	Samar	23.82	Siquijor	Oriental Negros	12.40
San Fernando	Pampanga	23.57	Narvacan	Ilocos Sur	12.33
Hagonoy	Bulacan	23.40	New Washington	Capiz	10.93
Cuyapo	Nueva Ecija	23.13	Nabua	Ambos Camarines.	9.64
Arayat	Pampanga	22.28			

Municipalities of the second class (population 18,000 or over and less than 25,000)—Continued.

Municipality.	Province.	Per cent.	Municipality.	Province.	Per cent.
Cabatuan	Iloilo	9.62	Tanauan	Batangas	4.97
Baybay	Leyte	9.57	Capiz	Capiz	4.95
Dumaguete	Oriental Negros	8.57	Carigara	Leyte	4.58
Buenavista	Iloilo	8.04	Tarlac	Tarlac	4.25
Mangaldan	Pangasinan	7.78	Leon	Iloilo	4.16
Tuburan	Cebu	7.59	Ormoc	Leyte	3.90
Mangatarem	Pangasinan	7.84	San José	Antique	3.57
Opon	Cebu	7.09	Bantayan	Cebu	2.97
Guagua	Pampanga	7.08	Cagayan	Misamis	2.89
Bacarra	Ilocos Norte	7.04	Guluan	Samar	2.82
Bangued	Ilocos Sur	6.40	Batac	Ilocos Norte	2.73
Manaoag	Pangasinan	6.25	Maasin	Leyte	2.59
Asingan	do	6.21	Barotac Nuevo	Iloilo	1.76
Pura	Tarlac	5.94	Ilog	Occidental Ne- gros	1.72
Calbayog	Samar	5.77	Loon	Bohol89
San Francisco de Malabon.	Cavite	5.58			

Municipalities of the third class (population 10,000 or over and less than 18,000).

Palo	Leyte	46.52	Talisay	Cebu	15.32
Cavite	Cavite	45.54	Atimonan	Tayabas	15.07
Surigao	Surigao	41.09	Saravia	Occidental Ne- gros	15.02
Santa Cruz	Tayabas	40.15	San Narciso	Zambales	14.85
Oton	Iloilo	34.21	Malinao	Albay	14.40
Cabanatuan	Nueva Ecija	33.63	Bogo	Cebu	14.30
Catbalogan	Samar	31.66	Tandag	Surigao	13.93
Dapa	Surigao	31.35	Asturias	Cebu	13.56
Santa Maria	Ilocos Sur	31.27	San Isidro	Nueva Ecija	13.44
Sorsogon	Sorsogon	30.60	Concepcion	Tarlac	13.29
Cantilan	Surigao	30.22	Ibajay	Capiz	13.00
Tuguegarao	Cagayan	29.93	Navotas	Rizal	12.90
Paniqui	Tarlac	27.85	San Carlos	Occidental Ne- gros	12.88
San Luis	Pampanga	27.10	Gubat	Sorsogon	12.84
Jagna	Bohol	26.66	Talisay	Occidental Ne- gros	12.73
Catmon	Cebu	26.12	Bais	Oriental Negros	12.72
Balasan	Iloilo	25.31	Culasi	Antique	12.69
Sariaya	Tayabas	24.65	Salasa	Pangasinan	12.62
San Marcelino	Zambales	24.20	San Juan	La Union	12.40
Santo Domingo	Ilocos Sur	23.84	Lucban	Tayabas	11.98
Gapan	Nueva Ecija	23.35	Loboc	Bohol	11.91
Paoay	Ilocos Norte	23.28	Villasis	Pangasinan	11.75
Noveleta	Cavite	22.99	Santa Cruz	La Laguna	11.58
Apalit	Pampanga	21.23	Oras	Samar	11.31
Calape	Bohol	20.96	Bacolor	Pampanga	11.25
Malasiqui	Pangasinan	20.80	Calumpit	Bulacan	10.97
Angeles	Pampanga	20.79	Daet	Ambos Cama- rines	10.86
Langaran	Misamis	20.60	Isabela	Occidental Ne- gros	10.69
Binalonan	Pangasinan	20.35	Naguilian	La Union	10.61
Bauang	La Union	19.87	Gigaquit	Surigao	10.52
Bayambang	Pangasinan	19.54	Borongan	Samar	10.51
Lacy	Oriental Negros	19.32	Sibalom	Antique	10.02
Balacan	La Union	19.23	Pasig	Rizal	9.97
San Fernando	do	18.45	Medellin	Cebu	9.67
Valladolid	Occidental Ne- gros	18.10	Bulacan	Bulacan	9.53
Rosales	Pangasinan	17.51	Moncada	Tarlac	9.39
Oroquieta	Misamis	17.27	Inabanga	Bohol	9.38
Agoo	La Union	17.24	Nabanga	Batangas	9.37
Bulan	Sorsogon	17.20	Mauban	Tayabas	9.37
Ilagan	Isabela	17.15	Balanga	Bataan	9.36
Larena	Oriental Negros	16.90			
Mandaue	Cebu	15.93			
Basey	Samar	15.63			
Pefaranda	Nueva Ecija	15.56			

Municipalities of the third class (population 10,000 or over and less than 18,000)—Continued.

Municipality.	Province.	Per cent.	Municipality.	Province.	Per cent.
Rosario	Batangas	9.36	Candaba	Pampanga	8.17
Meycauayan	Bulacan	9.15	Minglanilla	Cebu	8.17
Tayabas	Tayabas	9.15	Oas	Albay	8.10
Bugasong	Antique	9.13	Danao	Cebu	8.03
Luna	La Union	9.11	Orani	Bataan	2.99
Camalig	Albay	9.00	Santa Maria	Bulacan	2.94
Bacolod	Occidental Negros	8.85	Libmanan	Ambos Camarines	2.85
San Fernando	Cebu	8.77	Balingasag	Misamis	2.54
Tacloban	Leyte	8.43	San Isidro	Leyte	2.38
Polo	Bulacan	8.32	Ayuquitan	Oriental Negros	2.85
Pontevedra	Occidental Negros	8.32	Bifan	La Laguna	2.85
Ligao	Albay	8.16	Aringay	La Union	2.29
Romblon	Romblon	8.13	Banate	Iloilo	2.23
Jaro	Leyte	7.96	Jimamaylan	Occidental Negros	1.99
Nueva Caceres	Ambos Camarines	7.92	Victoria	Tarlac	1.77
Pitogo	Tayabas	7.58	Alfonso	Cavite	1.75
Tubigon	Bohol	7.54	Echague	Isabela	1.70
Toledo	Cebu	7.48	Manapla	Occidental Negros	1.58
Liloan	do	7.32	Balamban	Cebu	1.54
San Fabian	Pangasinan	7.20	Dimiao	Bohol	1.52
Binalbagan	Occidental Negros	7.12	Indan	Ambos Camarines	1.51
Albay	Albay	7.01	Tayug	Pangasinan	1.49
Dao	Antique	7.00	Angat	Bulacan	1.46
Alcala	Pangasinan	6.85	Alaminos	Pangasinan	1.42
Bacon	Sorsogon	6.70	Cabagan Nuevo	Isabela	1.36
Daan Bantayan	Cebu	6.63	Escalante	Occidental Negros	1.36
Indan	Cavite	6.29	Tanjay	Oriental Negros	1.35
Binmaley	Pangasinan	6.27	Hinunanga	Leyte	1.31
Allaga	Nueva Ecija	6.23	Binangonan	Rizal	1.18
Palompon	Leyte	6.21	Tagbilaran	Bohol	1.07
Panay	Capiz	6.17	Wright	Samar	1.03
Loay	Bohol	6.02	Dulag	Leyte	.87
Taguig	Rizal	5.71	Ginatlan	Cebu	.81
Misamis	Misamis	5.53	Oslob	do	.73
Moalbual	Cebu	5.46	Patnongon	Antique	.72
Badoc	Ilocos Norte	5.38	Malabuyoc	Cebu	.69
Hilongos	Leyte	5.33	Dauin	Oriental Negros	.66
Guimbal	Iloilo	5.32	Guijulongan	do	.63
Naga	Cebu	5.21	Pinamungajan	do	.49
Alanguinsan	do	5.07	San Antonio	Nueva Ecija	.47
Dao	Capiz	4.85	Bacacay	Albay	.36
Quingua	Bulacan	4.76	Barugo	Leyte	.34
Talisayan	Misamis	4.73	Tigbauan	Iloilo	.27
Bangul	Ilocos Norte	4.59	Taft	Samar	.16
Pozorrubio	Pangasinan	4.40	Tayasan	Oriental Negros	.15
Maribojoc	Bohol	4.37	Odiongan	Romblon	.08
Mexico	Pampanga	4.27	Jinigaran	Occidental Negros	.02
Pontevedra	Capiz	4.16	Bocaue	Bulacan	None.
Maragondon	Cavite	4.14	Gandara	Samar	None.
Pandan	Antique	4.07	Infanta	Tayabas	None.
Zumarraga	Samar	3.73	Lauaan	Antique	None.
Cadiz	Occidental Negros	3.52	Malitbog	Leyte	None.
Badian	Cebu	3.38	Nagcarlan	La Laguna	None.
Alangalang	Leyte	3.33	San Juan	Batangas	None.
Naic	Cavite	3.28	San Nicolas	Pangasinan	None.
Siaton	Oriental Negros	3.25			

Municipalities of the fourth class (population less than 10,000).

Municipality.	Province.	Per cent.	Municipality.	Province.	Per cent.
San Remigio	Cebu	37.43	San Vicente	Ambos Cama- rines.	10.63
Tua	Cagayan	36.91	Dumalag	Capiz	10.42
Barcelona	Sorsogon	36.63	Lapog	Ilocos Sur	10.24
Gasan	Tayabas	34.50	Tiaon	Tayabas	10.19
Hinatuan	Surigao	33.57	Bautista	Pangasinan	10.09
Orion	Bataan	32.97	Parañaque	Rizal	10.08
Magsingal	Ilocos Sur	30.88	Carmen	Cebu	9.90
Valencia	Bohol	29.48	Paracale	Ambos Cama- rines.	9.86
Butuan	Surigao	28.79	Abulug	Cagayan	9.73
Caloocan	Rizal	28.00	Abucay	Bataan	9.72
Cabadbaran	Surigao	25.62	Baao	Ambos Cama- rines	9.29
Gumaca	Tayabas	25.44	Piat	Cagayan	9.15
Sevilla	Bohol	25.42	Manito	Albay	9.08
Sual	Pangasinan	23.70	Alegria	Cebu	9.02
Calamba	La Laguna	23.69	Cabugao	Ilocos Sur	8.92
Solana	Cagayan	23.69	Libacao	Capiz	8.69
San Miguel	Ilocos Norte	23.34	Legaspi	Albay	8.42
Mabusao	Capiz	23.29	Santa	Ilocos Sur	8.26
Bongabon	Nueva Ecija	22.45	Tinambao	Ambos Cama- rines.	8.11
Casiguran	Sorsogon	21.50	Sierra Bullones	Bohol	8.01
Magalan	Pampanga	20.72	Cabalian	Leyte	7.94
Pila	La Laguna	20.41	Placer	Surigao	7.77
Lavezares	Samar	18.94	Sancti Spiritus	Ilocos Sur	7.77
Bilar	Bohol	18.74	Antipolo	Rizal	7.68
Sagnay	Ambos Cama- rines.	18.64	Santa Lucia	Zambales	7.54
Licab	Nueva Ecija	18.50	San Felipe Neri	Rizal	7.31
Tibiao	Antique	18.46	Morong	do	7.34
Mabalacat	Pampanga	18.26	Dinalupijan	Bataan	7.25
Duero	Bohol	17.98	Arevalo	Hiloilo	7.07
Irosin	Sorsogon	17.52	Silang	Cavite	7.00
Pagbilao	Tayabas	17.18	San Jose	Ambos Cama- rines.	6.87
Cabuyao	La Laguna	16.85	Lumban	La Laguna	6.47
San Pedro Macati	Rizal	16.81	Alburquerque	Bohol	6.24
Juban	Sorsogon	16.45	Mariquina	Rizal	6.17
Victorias	Occidental Ne- gros.	16.08	Milagros	Sorsogon	6.11
Catubig	Samar	15.76	Nabas	Capiz	6.00
Gamu	Isabela	15.62	Santa Cruz	Ilocos Sur	6.00
Lopez	Tayabas	15.25	Labo	Ambos Cama- rines.	5.97
Jamindan	Capiz	15.23	Ivisan	Capiz	5.94
Guinayangan	Tayabas	15.08	Tubao	La Union	5.82
Taytay	Rizal	14.70	Malinao	Capiz	5.81
Naguilian	Isabela	14.55	Lobo	Batangas	5.52
Pagsanjan	La Laguna	14.53	Tagudin	Ilocos Sur	5.51
San Juan	Nueva Ecija	14.28	Tagoloan	Misamis	5.45
Calauag	Tayabas	14.20	Virac	Albay	5.40
Pasay	Rizal	14.07	Babatungon	Leyte	5.38
Calaca	Batangas	13.73	Alabat	Tayabas	5.31
Ubay	Bohol	13.73	Milaor	Ambos Cama- rines.	5.23
Magallanes	Sorsogon	13.72	Pamplona	Cagayan	5.08
San Mateo	Rizal	13.18	Claveria	do	4.88
Lucena	Tayabas	13.08	Boljo-on	Cebu	4.87
Tigaon	Ambos Cama- rines.	12.85	Bato	Albay	4.39
Sinait	Ilocos Sur	12.63	Calabanga	Ambos Cama- rines.	4.19
Tiwi	Albay	11.80	Masbate	Sorsogon	4.09
Buhi	Ambos Cama- rines.	11.63	San Isidro	Pangasinan	4.06
Borbon	Cebu	11.62	Minalabac	Ambos Cama- rines.	4.01
Jetafe	Bohol	11.33	Castilla	Sorsogon	3.83
San Jose	Batangas	11.29	Candijay	Bohol	3.82
Corella	Bohol	11.25	Pasquin	Ilocos Norte	3.80
Porac	Pampanga	11.18	Masinloc	Zambales	3.78
Paombong	Bulacan	11.12	Tolon	Negros Oriental	3.74
Santo Tomas	La Union	11.11	Cortes	Bohol	3.72
Peña Blanca	Cagayan	10.97			
Hindang	Leyte	10.87			
Nasugbu	Batangas	10.85			
Santo Niño	Samar	10.79			
Lal-lo	Cagayan	10.73			
Antequera	Bohol	10.71			

Municipalities of the fourth class (population less than 10,000)—Cont.

Municipality.	Province.	Per cent.	Municipality.	Province.	Per cent.
Luisiana	La Laguna	3.70	Llorente	Samar	0.96
Alcala	Cagayan	3.68	San Fernando	Romblon	.96
San Remigio	Antique	3.56	Bula	Ambos Camarines	.94
Libon	Albay	3.55	Subic	Zambales	.94
Oquendo	Samar	3.50	Dauis	Bohol	.94
Panitan	Capiz	3.48	Aroroy	Sorsogon	.93
Bangar	La Union	3.46	Pangil	La Laguna	.91
Olongapo	Zambales	3.37	Hucay	Ilocos Sur	.90
Gracia Hernandez	Bohol	3.29	Mauanan	Cagayan	.83
Mobo	Sorsogon	3.23	Santa Rita	Pampanga	.82
Basco	Cagayan	3.27	Capul	Samar	.78
Carmona	Cavite	3.21	Tanay	Rizal	.72
Dimasalang	Sorsogon	3.09	Ibaan	Batangas	.67
Samboan	Cebu	3.07	Sanchez Mira	Cagayan	.67
Cauayan	Isabela	3.00	Villareal	Samar	.65
Baclayon	Bohol	2.91	Sogod	Leyte	.62
Malilipot	Albay	2.90	Sigma	Capiz	.61
Dinagat	Surigao	2.88	Cuenca	Batangas	.59
Sapian	Capiz	2.82	Mulanay	Tayabas	.57
Enrile	Cagayan	2.77	Floridablanca	Pampanga	.56
Dolores	Ilocos Sur	2.75	Piddig	Ilocos Norte	.55
Siruma	Ambos Camarines	2.72	Paete	La Laguna	.48
Tapas	Capiz	2.58	Bani	Pangasinan	.45
San Fernando	Sorsogon	2.43	Polangui	Albay	.42
Umingan	Pangasinan	2.41	Cajidiocan	Romblon	.41
Lupi	Ambos Camarines	2.40	Calbiga	Samar	.41
Bacnotan	La Union	2.39	Santo Niño	Cagayan	.39
Leyte	Leyte	2.28	Camalaniugan	do	.38
Bolinao	Pangasinan	2.18	Lianga	Surigao	.37
Taft	Capiz	2.13	Iguig	Cagayan	.35
Iba	Zambales	2.06	Panglao	Bohol	.34
Magarao	Ambos Camarines	2.06	Rapu-Rapu	Albay	.32
Tolosa	Leyte	2.02	Pillilla	Rizal	.31
Corregidor	Cavite	2.01	Liloan	Leyte	.30
San Ricardo	Leyte	1.94	Sipocot	Ambos Camarines	.25
Balangiga	Samar	1.88	Bulusan	Sorsogon	.22
Matnog	Sorsogon	1.81	Badajoz	Romblon	.18
Polillo	Tayabas	1.79	Talibon	Bohol	.18
San Jacinto	Sorsogon	1.59	Capas	Tarlac	.17
Tabogon	Cebu	1.59	Mabini	Bohol	.15
Buruanga	Capiz	1.58	Sagay	Occidental Negros	.14
Laogan	Samar	1.56	Calauan	La Laguna	.12
Abuyog	Leyte	1.55	Allen	Samar	.12
Gainza	Ambos Camarines	1.53	Tagle	Isabela	.12
Matalom	Leyte	1.52	Agno	Pangasinan	.10
Murcia	Occidental Negros	1.50	Jovellar	Albay	.10
Luzuriaga	Oriental Negros	1.45	Pilar	Sorsogon	.10
Naval	Leyte	1.40	Canayan	Occidental Negros	.06
Bacong	Oriental Negros	1.36	Dumarao	Capiz	.05
Bato	Ambos Camarines	1.36	Lilio	La Laguna	.04
Gattaran	Cagayan	1.36	Almeria	Leyte	.03
Santo Tomas	Batangas	1.33	Jimenez	Misamis	.01
Caybiran	Leyte	1.32	Almagro	Samar	None.
Anda	Bohol	1.29	Amulung	Cagayan	None.
Magdalena	La Laguna	1.28	Anda	Pangasinan	None.
Mavittac	do	1.22	Bagamanoc	Albay	None.
Cataingan	Sorsogon	1.20	Bagac	Cagayan	None.
Baras	Albay	1.19	Baler	Bataan	None.
Guindulman	Bohol	1.18	Batoto	Tayabas	None.
Balilijan	do	1.14	Bamban	Tarlac	None.
La Paz	Ilocos Sur	1.08	Bato	Leyte	None.
Mambulao	Ambos Camarines	1.05	Batulan	Bohol	None.
Talacogon	Surigao	1.05	Botolan	Zambales	None.
San Quintin	Pangasinan	1.00	Calayan	Cagayan	None.
Pilar	Capiz	.97	Calolbon	Albay	None.
			Capalonga	Ambos Camarines	None.
			Caramoan	do	None.

Municipalities of the fourth class (population less than 10,000)—Cont.

Municipality.	Province.	Per cent.	Municipality.	Province.	Per cent.
Caramoran	Albay	None.	Payo	Albay	None.
Carmen	Bohol	None.	Pilar	Cebu	None.
Carranglan	Nueva Ecija	None.	Pilar	Ilocos Sur	None.
Catanauan	Tayabas	None.	Pili	Ambos Camarines	None.
Donsol	Sorsogon	None.	Placer	Sorsogon	None.
Goa	Ambos Camarines	None.	Prieto-Diaz	do	None.
Infanta	Pangasinan	None.	Pulunduta	do	None.
Inopacan	Leyte	None.	Ragay	Ambos Camarines	None.
Kasiguran	Tayabas	None.	Sampaloc	Tayabas	None.
Lagonoy	Ambos Camarines	None.	San Fernando	Ambos Camarines	None.
Libog	Albay	None.	San Francisco	Cebu	None.
Looc	Romblon	None.	San José	Nueva Ecija	None.
Los Baños	La Laguna	None.	San Pascual	Sorsogon	None.
Majayjay	do	None.	Santa Magdalena	do	None.
Mandaon	Sorsogon	None.	Santa Maria	Isabela	None.
Mariveles	Bataan	None.	Santa Rosa	La Laguna	None.
Merida	Leyte	None.	Sinloan	do	None.
Moron	Bataan	None.	Talavera	Nueva Ecija	None.
Palapag	Samar	None.	Torrijos	Tayabas	None.
Pamplona	Ambos Camarines	None.	Tudela	Cebu	None.
Pambujan	Samar	None.	Tumauini	Isabela	None.
Pandan	Albay	None.	Uson	Sorsogon	None.
Pantabangan	Nueva Ecija	None.	Valderrama	Antique	None.
Pasacao	Ambos Camarines	None.	Viga	Albay	None.
			Ynitaio	Misamis	None.

Townships, Special Provincial Government Act provinces.

Trinidad	Benguet	52.93	Angaqui	Lepanto-Bontoc	0.62
Baguio	do	50.64	Bambang	Nueva Vizcaya	.48
Coron	Palawan	42.99	Bayombong	do	.18
Tublay	Benguet	39.53	Solano	do	.17
Naujan	Mindoro	32.94	Adaoay	Benguet	None.
Iligan	Moro	32.54	Ampusungan	Lepanto-Bontoc	None.
Parang	do	30.05	Bacun	do	None.
Disdis	Benguet	27.23	Bokod	Benguet	None.
Itogon	do	27.02	Bontoc	Lepanto-Bontoc	None.
Cotabato	Moro	23.84	Buguias	Benguet	None.
Cayan	Lepanto-Bontoc	19.67	Cabayan	do	None.
Mamburao	Mindoro	18.78	Cagayancillo	Palawan	None.
Mati	Moro	17.35	Caluya	Mindoro	None.
Jolo	do	17.25	Capangan	Benguet	None.
Malabang	do	16.74	Caraga	Moro	None.
Calapan	Mindoro	16.61	Cateel	do	None.
Atok	Benguet	13.62	Concepción	Lepanto-Bontoc	None.
Cuyo	Palawan	13.54	Daklan	Benguet	None.
Baguen	Lepanto-Bontoc	11.81	Danglas	Ilocos Sur	None.
Dayao	Moro	11.68	Dupax	Nueva Vizcaya	None.
Siasi	do	11.27	Kayapa	Benguet	None.
Balakbak	Benguet	9.39	Kibungan	do	None.
Bulalacao	Mindoro	9.22	Lagangilan	Ilocos Sur	None.
Bauco	Lepanto-Bontoc	8.05	Lagayan	do	None.
Peñarrubia	Ilocos Sur	6.19	Langiden	do	None.
Puerto Princesa	Palawan	5.96	Manabo	do	None.
Cervantes	Lepanto-Bontoc	5.58	Palina	Benguet	None.
Banaao	do	5.33	Quiangan	Nueva Vizcaya	None.
Mancayan	do	5.03	Sabangan	Lepanto-Bontoc	None.
Zamboanga	Moro	2.83	San Emilio	do	None.
Sagada	Lepanto-Bontoc	2.79	San Gabriel	do	None.
Dapitan	Moro	2.46	San Quintin	Ilocos Sur	None.
Besao	Lepanto-Bontoc	2.41	Santol	Lepanto-Bontoc	None.
Pinamalayan	Mindoro	2.36	Sigay	do	None.
Alilem	Lepanto-Bontoc	2.34	Sudipen	do	None.
Sablayan	Mindoro	1.76	Sugpon	do	None.
Baganga	Moro	1.74	Suyo	do	None.
Lubang	Mindoro	.78	Taytay	Palawan	None.
Bagabag	Nueva Vizcaya	.73	Villaviciosa	Ilocos Sur	None.

MEMBERS OF THE PHILIPPINE COMMISSION DURING THE INAUGURAL SESSION OF THE FIRST PHILIPPINE LEGISLATURE.

[Authorized membership, eight.]

Honorable JAMES F. SMITH, Governor-General, *ex officio* President.

Honorable DEAN C. WORCESTER, Secretary of the Interior.

Honorable T. H. Pardo de Tavera.

Honorable BENITO LEGARDA (resigned December 21, 1907; elected Resident Commissioner in the United States).

Honorable JOSÉ R. DE LUZURIAGA.

Honorable W. CAMERON FORBES, Secretary of Commerce and Police.

Honorable W. MORGAN SHUSTER, Secretary of Public Instruction.

(NOTE.—The position of Commissioner and Secretary of Finance and Justice vacant).

Secretary of the Commission, WILLIAM H. DONOVAN.



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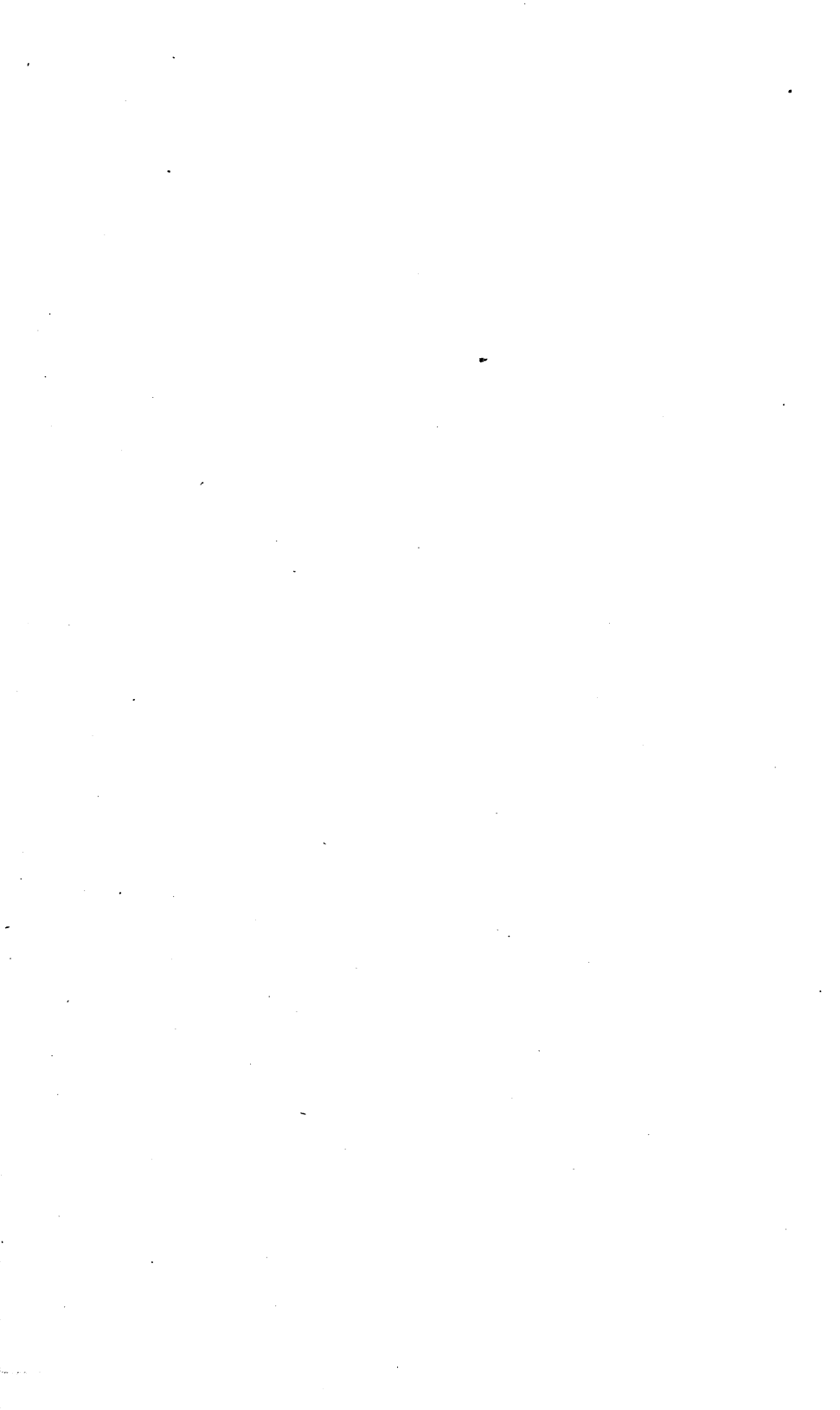
**HISTORY OF BILLS AND JOINT AND
CONCURRENT RESOLUTIONS**

IN THE

PHILIPPINE COMMISSION

DURING THE

**INAUGURAL SESSION OF
THE FIRST PHILIPPINE LEGISLATURE**



First Philippine Legislature.

Inaugural Session.

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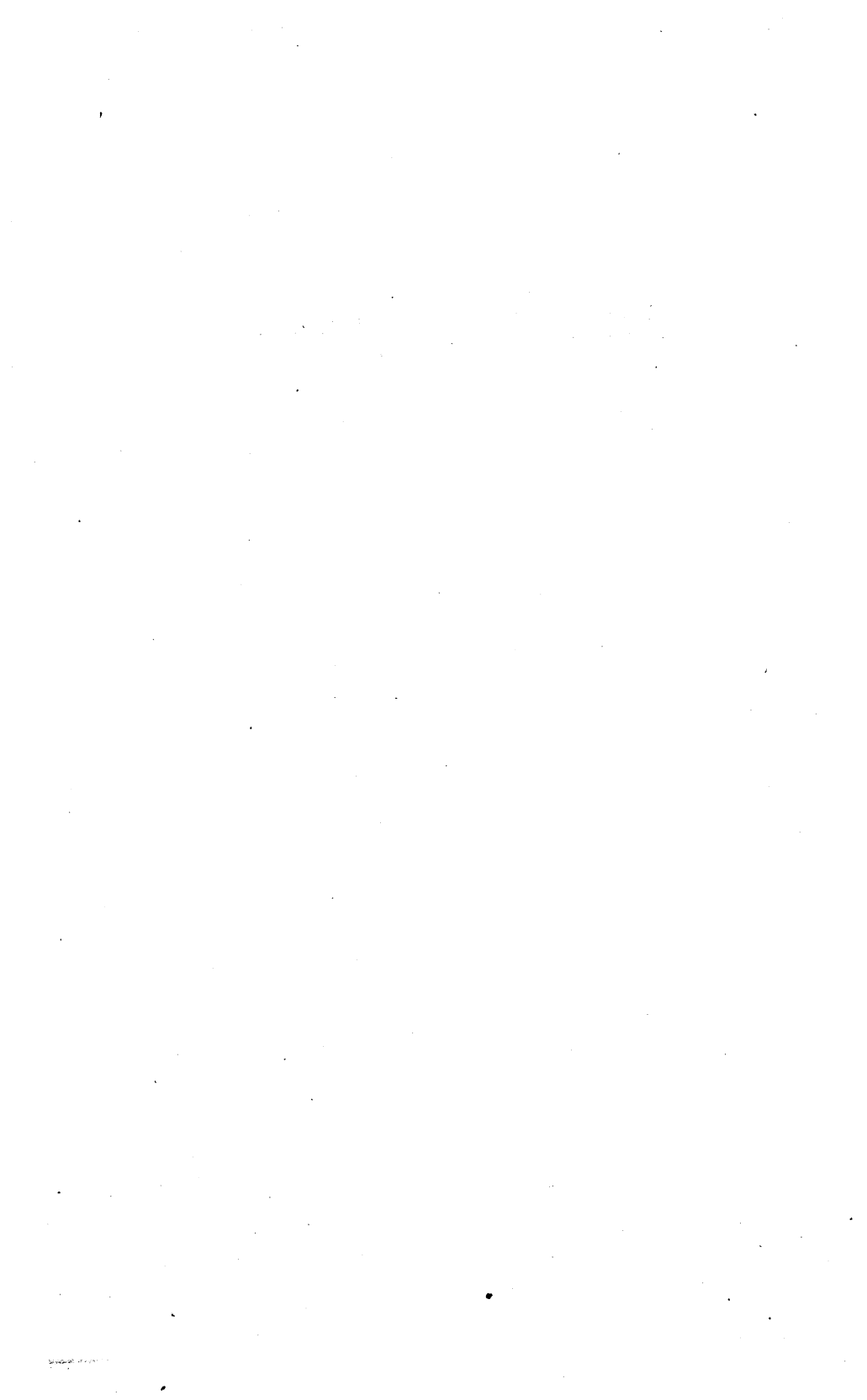
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A. B.....	Assembly Bill.
A. C. R.....	Assembly Concurrent Resolution.
A. J. R.....	Assembly Joint Resolution.
A. L. C.....	Act of the legislative council (Moro Province).
C. B.....	Commission Bill.
C. C. R.....	Commission Concurrent Resolution.
C. J. R.....	Commission Joint Resolution.
Ct. R.....	Concurrent Resolution.
J. R.....	Joint Resolution.



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